

COMMITTEE WORKSHOP
BEFORE THE
CALIFORNIA ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION

In the Matter of:)	
)	
Proposed Adoption, Amendments and)	
Repeal of Regulations Governing the)	Docket No.
Commission's Data Collection System)	05-DATA-1
for the IEPR and Regulations)	
Governing Disclosure of Commission)	
Records)	
_____)	

CALIFORNIA ENERGY COMMISSION

HEARING ROOM A

1516 NINTH STREET

SACRAMENTO, CALIFORNIA

MONDAY, JULY 10, 2006

9:02 A.M.

Reported by:
Peter Petty
Contract No. 150-04-002

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ALSO PRESENT

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1 P R O C E E D I N G S

2 9:02 a.m.

3 PRESIDING MEMBER PFANNENSTIEL: I'm
4 Commissioner Jackie Pfannenstiel. I'm the
5 Presiding Member of the Integrated Energy Policy
6 Report Committee. This is a workshop, the third
7 workshop on the staff-proposed changes to the data
8 collection regulations.

9 I think we're making progress here and
10 we hope that this last round of changes might
11 actually be the magic bullet for getting the data
12 regs in place.

13 So why don't I turn it over to Chris
14 Tooker for some announcements and to begin today's
15 proceeding.

16 DR. TOOKER: Good morning; thank you.
17 My name is Chris Tooker, the Commission's Staff
18 Project Manager. Just a few announcements.

19 For those of you not familiar with the
20 building, the closest restrooms in the lobby are
21 on the north and south sides of the lobby.
22 There's a snack bar on the second floor.

23 And lastly, in the event of an emergency
24 and the building is evacuated please follow our
25 employees, who do know where they're going, to the

1 appropriate exits. We will reconvene at Roosevelt
2 Park across the intersection. Please proceed
3 calmly and quickly, again following the employees
4 with whom you are meeting, to safely exit the
5 building.

6 We do have with us this morning our
7 staff leads on the project. And Jonathan Blee
8 and Lisa DeCarlo from the legal office here. And
9 we are prepared to present a summary of the staff
10 changes to the document.

11 I might mention to those of you on the
12 phone I would request that you put your mute
13 button on while you're listening and only turn it
14 off when you're speaking, so that you can minimize
15 any interference with the hearing from background
16 noise from where you are located. Thank you.

17 PRESIDING MEMBER PFANNENSTIEL: Thank
18 you, Chris. How are we going to proceed today?

19 DR. TOOKER: We're going to proceed with
20 a summary. I'd like to present kind of an
21 overview of the staff changes; and then I will
22 invite respective staff leads to come forward and
23 discuss the sections for which they made changes.

24 The staff made major changes in the
25 proposed regulations in response to comments

1 provided at the previous two workshops and in
2 writing.

3 Those changes included, but were not
4 limited to, the definitions of IOUs and LSEs to
5 better differentiate their filing requirements;
6 reduce generation and fuel use reporting
7 requirements, and environmental data collection;
8 alternative filing dates for different entities;
9 reduce frequency of UDC interconnection reporting
10 requirements; clarification and redefinition and
11 streamlining of information reporting requirements
12 for UDCs, LSEs and ESPs. And the addition of
13 automatically confidential categories, among other
14 changes.

15 Staff made several new changes to the
16 general provisions contained in the regulations,
17 but we believe none of these changes are
18 substantive. And we had previously not received
19 comments on them.

20 In terms of complaints and
21 investigation, although several parties, including
22 San Diego Gas and Electric and Constellation,
23 recommended that the Committee reconsider the
24 proposal to eliminate the requirement for a
25 proposed decision, and to shorten the hearing

1 process, staff has kept the proposed language.

2 Short timeframes better match the
3 timelines contained in SB-1389 for the imposition
4 of penalties. And if longer timeframes are more
5 appropriate, the Committee and/or Chair retain the
6 flexibility to extend them.

7 With respect to section 1302, staff made
8 a series of changes to the definitions contained
9 in section 1302. Specifically we added a
10 definition of IOUs so that we can appropriate
11 distinguish between those requirements applicable
12 to IOUs and POUs, as opposed to other LSEs.

13 We accepted CMUA's recommendation to
14 provide for multiple owners of a transmission
15 system. We changed WSCC to WECC, and changed
16 electric retailer to LSE.

17 We changed the definition of customer to
18 refer to LSEs rather than utilities, and revised
19 the definition of electric rate to refer to a
20 standardized price or set of prices that is
21 broadly available to a class of end users.

22 The definition of LSE was changed to
23 explicitly exclude cogenerators. And the
24 definition of LNG terminal was broadened to
25 include imports from out of state.

1 Finally, we added a definition to
2 tolling agreement. And I believe there were some
3 other written comments we received that did have
4 some concerns about definitions. Perhaps we could
5 entertain comments at this time.

6 PRESIDING MEMBER PFANNENSTIEL: Are
7 there comments on Chris' general description?

8 MR. McLAUGHLIN: Bruce McLaughlin, CMUA.
9 We just made a cursory remark about definitions.
10 Like we put in our written comments, we are light
11 years ahead of where we were just a few weeks ago
12 and CMUA sincerely appreciates staff's efforts
13 here. And so everything we say is just for
14 progress and not digression.

15 It still seems like we have a little bit
16 of pancaking. Our members, who are diverse, as
17 they read through all the regs, were sometimes
18 unsure where they were supposed to be filing. And
19 whether they were LSEs, UDCs or whatever.

20 So it's more of a general comment I'm
21 making that possibly as we go through we'll be
22 able to identify in each section where a
23 particular type of utility would file. It seems
24 like they might be filing in one section, give the
25 exact same data as another section. So, it's

1 fine-tuning.

2 PRESIDING MEMBER PFANNENSTIEL: Mike.

3 DR. JASKE: Mike Jaske, CEC Staff. In
4 many instances the actual implementation of the
5 requirements will follow adoption of forms and
6 instruction. So, I think, to some extent, that's
7 going to be a future process of education that can
8 help, you know, people be clear who they are in
9 any one particular instance.

10 There's just some limitations here of
11 how much clarity we can try to impose in this
12 language, itself. Staff's certainly happy to work
13 with parties to help them, you know, determine
14 when we think they're an LSE and when we think
15 they're a POU, for example.

16 MR. McLAUGHLIN: Thank you.

17 DR. TOOKER: A thing I might mention, as
18 you can see we've set up a table here with a
19 number of chairs and microphones, and we would
20 encourage all of those of you who have an interest
21 in commenting to come to the table to facilitate
22 our discussion.

23 Before we take our comment from Jeff,
24 Mike reminded me that we do have some errata
25 issues to present. Would you like to go through

1 those, Mike?

2 DR. JASKE: Yes. There are two small
3 errors that staff has noticed. Bring those to
4 your attention.

5 The first is on page 38, in section 1308
6 of the regulations, and in what would be
7 subsection (d). It's all underscored because it's
8 all new having to do with natural gas tolling
9 agreements.

10 And after the foreword title starts the
11 text; currently reads, "each gas utility that has
12 entered into a tolling agreement." That's clearly
13 not appropriate language. The two words "gas
14 utility" should be stricken, and the acronym LSE
15 should take its place. So it would read "each LSE
16 that has entered into a tolling agreement."

17 DR. TOOKER: And the second?

18 DR. JASKE: The second one is on page
19 62, in section 1348, pricing and financial
20 information, near the very bottom of the page in
21 subsection (c), third line down. The whole
22 section (c) is having to do with gas utility price
23 forecasts. The third line is reading, "a forecast
24 of retail electricity prices." Clearly that's not
25 appropriate to gas price projections. So, in

1 fact, the word "electricity" should be stricken,
2 and the two words, "natural gas" should be
3 substituted.

4 PRESIDING MEMBER PFANNENSTIEL: Thanks,
5 Mike. Is that all for the errata?

6 MS. GOUGH: Andrea Gough, Energy
7 Commission Staff. Can I take you back to page 38
8 on the tolling agreement. I think there's one
9 more typo there. Where it says, "each LSE that
10 has entered into a tolling agreement to" is that
11 procure natural gas? Because LSE is electric
12 entity.

13 DR. JASKE: Well, I think either procure
14 or provide is applicable in this instance.

15 MS. GOUGH: Because I'm thinking, under
16 our definition, that an LSE would be an electric -
17 - am I -- an entity --

18 DR. JASKE: The sense of what's going on
19 here, a tolling agreement, is that the entity that
20 has entered into an arrangement with an electric
21 generator is providing the gas to the generator.
22 It could be to multiple generators, now common for
23 the three IOUs to have whole fleets of generators
24 that they're providing gas to.

25 So, we're wanting to capture the fact

1 that there are volumes and prices of this gas that
2 only the load-serving entity knows, not the
3 generator knows.

4 MS. GOUGH: Okay.

5 DR. JASKE: So, they're providing or
6 procuring, either one would work, I think.

7 DR. TOOKER: Wouldn't it be the electric
8 generator, the operators of an electric generator
9 would be the ones that entered into the agreement,
10 right?

11 DR. JASKE: They are the ones who have
12 entered into the agreement with an LSE. But it's
13 only the LSE that has procured the gas and is
14 supplying the gas to the generator.

15 DR. TOOKER: Okay. Thank you.

16 MR. KERNER: Michael, wouldn't, in
17 that --

18 DR. TOOKER: Would you please identify
19 yourself?

20 MR. KERNER: I'm sorry, Chris, thank
21 you. Douglas Kerner for IEP. In the situation
22 you're describing here wouldn't the LSE simply be
23 wearing two hats? They'd be acting as a gas
24 utility with respect to that part of the
25 transaction or not --

1 DR. JASKE: I think that that's a fair
2 characterization. And so that's actually why we
3 decided to put this little piece of regulation
4 here in this section, because overall this section
5 is dealing with the distribution of gas to end
6 users. So, in this instance the LSE is the sort
7 of procurement agent for the generator. In
8 effect, on its own behalf.

9 DR. TOOKER: Thank you. I think that is
10 the end of our errata.

11 Are there any people on the phone right
12 now that have comments --

13 MS. JONES: Chris, before we go to the
14 phone I have one clarifying question.

15 DR. TOOKER: Okay.

16 MS. JONES: There are automatically
17 confidential categories designated within the data
18 collection regulations. I just wanted to clarify
19 that staff had included sections 1345 dealing with
20 the demand forecast for ESPs. Is that all levels
21 of demand, or does that allow aggregation?

22 And then 1348 are the retail price
23 forecasts. And I'm wondering at what level, also.

24 DR. TOOKER: Are you raising that --
25 we're going to be going through each of these

1 sections.

2 MS. JONES: Okay.

3 DR. TOOKER: We can address those
4 concerns at that time.

5 MS. JONES: All right, thank you.

6 DR. TOOKER: I would just like to know
7 whether there are any people on the phone that
8 have questions or comments regarding the
9 definition section of the regulation.

10 Are there other comments here in the
11 workshop?

12 MR. VONDER: I'd like to make three
13 general comments.

14 DR. TOOKER: Identify yourself, please.

15 MR. VONDER: Oh, I'm sorry. Tim Vonder
16 with San Diego Gas and Electric Company. If I may
17 I would like to make just three general comments
18 before we get into the specific regulations,
19 because I think there's an overtone here that's
20 worth looking into, or worth looking at, if I may.

21 First of all, these are overall
22 concerns, three of them. Number one, there seems
23 to be a very built-in uncertainty in the proposed
24 regulations that will cause staffing and budgeting
25 problems for the LSEs.

1 For example, throughout the regulations
2 there are words like "up to 20 years" or "for
3 select years." And in regard to resource adequacy
4 there's "up to four years." Words like this, you
5 know, I can see, were put in there to give staff
6 the ability to act quickly when they believe they
7 have the need to do so.

8 But, this places really an undue burden
9 on the LSE. We can't afford to do everything now
10 that's going to be necessary for us to be able to
11 respond. And to meet these new possibilities we
12 would have to hire, or we will have to hire,
13 additional staff. We'll have to train additional
14 staff. We'll have to purchase additional
15 equipment and additional software.

16 So, you know, just like the stock market
17 investors, LSEs seek certainty. And we believe
18 that the regulations here should be certain and
19 not vague so that we can plan better.

20 The second issue I think that's running
21 throughout these proposed changes is that these
22 proposed changes significantly increase the IOUs
23 workload and tilts the playing field again.

24 For example, with regard to resource
25 adequacy, these regulations are new and they

1 expand our scope of work. With regard to March
2 15th, there's submission -- March 15th as a
3 submission date is scattered throughout here for
4 multiple submissions.

5 In other words, multiple items are due
6 on March the 15th, on that single date. And one
7 new submission is expected monthly.

8 So you add this, you know, three or four
9 things that are due on March 15th, and something
10 else that's due monthly, that increases our
11 workload significantly.

12 And then in the late '90s and early
13 2000s we worked hard to develop revisions to these
14 regulations. And one of the main concerns was
15 leveling the playing field for IOUs and ESPs. And
16 now staff here is proposing that the IOUs assume
17 the ESPs QFER workload. So these workload
18 increases are certain. There's no uncertainty
19 associated with this.

20 And I think the last point that I'd like
21 to make that seems to run through here is with
22 regard to what we do for the CEC and what we do
23 for the PUC, some of staff's proposed changes are
24 going to cause a great deal of conflict for the
25 LSEs and confusion for all parties who have to use

1 the products that are produced.

2 For example, the resource adequacy
3 product, if we go up to four years out in filing
4 resource adequacy information with the CEC, that's
5 going to be in conflict with what we submit to the
6 PUC as part of their long-term planning process.
7 The dates won't coincide so the products won't
8 coincide. And that's going to cause a great deal
9 of confusion for those who have to use the
10 products. And a lot of work for those who have to
11 prepare them, also.

12 So, these are a few of the things that I
13 think are throughout the regulations that should
14 be kept in mind as we go through them one by one.

15 PRESIDING MEMBER PFANNENSTIEL: Thank
16 you. We will be, in fact, going through them one
17 by one, and we will keep those admonitions in
18 mind.

19 I would point out that that's sort of
20 where we started several hearings ago with going
21 through the workshop on the regulations. And I
22 think we've made some progress, and you can help
23 us identify those areas where we still may need to
24 rethink it.

25 ASSOCIATE MEMBER GEESMAN: Yeah, I have

1 to say that as we talked about it, I think it was
2 the last workshop, I think the world has changed a
3 lot since the late 1990s. And I think the role of
4 the utility has changed a lot since the late
5 1990s.

6 So, it's not particularly compelling in
7 my mind that in contrast to a period when the
8 utilities were actually getting out of the
9 planning business, and had gotten out of entirely
10 the thermal generation business, at least the
11 fossil-fired thermal generation business, now some
12 seven or eight years later we see a radically
13 different environment where the utilities are
14 becoming a much larger presence in the thermal
15 generation area.

16 And certainly expecting, as they
17 vertically reintegrate, a much stronger, more
18 robust planning role. And you certainly see that
19 in a multitude of proceedings at the CPUC.

20 Regarding resource adequacy, I happen,
21 myself, not to think that a four-year perspective
22 is a particularly good idea. I think it's
23 potentially a disincentive to the necessary
24 execution of long-term procurement contracts.

25 But as I read the CPUC procurement

1 effort they are, in fact, preparing to explore
2 that multiyear. And I believe the number up to
3 four comes from them, planning horizon for
4 resource adequacy.

5 So I think what the staff has attempted
6 to do is harmonize our data requirements with
7 those of the CPUC. And where you see differences
8 I think it would be very helpful if you'd flag
9 those. Because I think the CPUC is one of the
10 primary clients of our reference here, and we
11 certainly ought to try to harmonize our data
12 gathering.

13 DR. TOOKER: Are we ready to proceed?
14 Okay. Moving on to section 1303, staff proposal
15 for this section has been slightly modified to
16 address concerns about UDC audits, and to allow
17 for alternative filing dates from POUs operating
18 on a fiscal year basis. And Andrea Gough was
19 involved in the changes to this section. She's
20 available if there are any comments or questions.

21 Did you have comments earlier that we
22 didn't get to?

23 MR. KERNER: Yeah, I didn't realize we
24 had moved on from the definitions --

25 DR. TOOKER: I'm sorry, go ahead and

1 comment then.

2 MR. KERNER: Douglas Kerner. Would you
3 like me to make those now?

4 DR. TOOKER: Yes, please. I'm sorry.

5 MR. KERNER: I want to echo the comments
6 made by the gentleman here. I think staff has
7 been quite responsive in getting this document
8 tightened up.

9 I have made similar observations as a
10 couple of other people here though that there are,
11 at least if I read it, there are multiple
12 instances in which the descriptor, what you are,
13 are you a UDC or are you an LSE, are you a gas
14 utility or whatever, we just went through one with
15 Mr. Jaske's errata. But I don't think they're
16 deliberate.

17 You'll find within a single section that
18 it's introduced as being applicable to UDCs,
19 lapsing into specific provisions that refer to a
20 utility, for example, which, of course, may or may
21 not be a UDC, could be anyone. That's one general
22 comment.

23 I had another specific observation. I
24 think Commissioner Geesman's observation about
25 change is rather interesting. It may actually

1 present opportunities which I think staff is
2 trying to take advantage of to make this data
3 collection process more efficient and more
4 targeted at the places where you'll get better
5 information easier, faster, and without
6 duplication.

7 In that regard the focus has shifted to,
8 in many respects, shifting of burdens away from
9 generators, for example, to LSEs; or away from
10 electric utilities, which includes, you know, the
11 world, to LSEs. But I think the way the
12 definitions glue together, you've not accomplished
13 that because of the inclusion of the broad term
14 customer within the definition of the LSE. So
15 that really anybody selling to anyone is an LSE.
16 Which I think kind of undoes the point of the
17 exercise, which is focusing on load-serving
18 entities and not on strictly wholesale generators.

19 At the first workshop we had I asked,
20 you know, Mr. Jaske if that was the point. I
21 think we were all in agreement that the idea was
22 not to capture someone who's strictly just a
23 wholesale generator.

24 So there's a few things like that. And
25 there are really only -- I think there are a few.

1 We might well, in my judgment, I realize that no
2 one's interested in delay, but I think we would
3 well benefit from a single, at this stage I think
4 it's so close, round of -- maybe some conceptual
5 comments, as well. But from my perspective, just
6 some kind of specific, what I think are cleanups
7 in a written document that I think would be fairly
8 short. And I think could be prepared, you know,
9 in a week or something like that.

10 That's kind of the last volley. I think
11 that might be more useful to the staff in getting
12 this thing cohesive.

13 DR. TOOKER: Are you suggesting edits
14 from NCPA and others?

15 MR. KERNER: Well, whomever is
16 interested in providing them. Like I say, I've
17 got a handful of things that I've been able to
18 identify so far that I think would be pretty
19 efficiently laid out in a document like that.

20 Which presumably, I would -- I'd be
21 prepared to provide a draft, for that matter, you
22 know, for the staff to take a look at, get a
23 little dialogue going on. With a vehicle like
24 that, just a suggestion.

25 PRESIDING MEMBER PFANNENSTIEL: And,

1 Doug, you don't think that this workshop today
2 will give us sufficient opportunity to do that?

3 MR. KERNER: Well, I'm not sure that
4 you'll get comprehensive fixes at this point. I
5 think a day or two to do that would be useful. I
6 think you're going to find that it's going to be
7 very cumbersome to identify each one orally, yes.

8 PRESIDING MEMBER PFANNENSTIEL: Well,
9 maybe we should go through and see what's left at
10 the end of the workshop; see if there are, in
11 fact, changes that someone would recommend to
12 specific language that hasn't been picked up.

13 MR. KERNER: Do you want to stay with
14 definitions, then? I have some specific
15 suggestions.

16 DR. JASKE: Commissioner Pfannenstiel, I
17 don't think, in general, staff has got a problem
18 with giving the parties, you know, another
19 opportunity. Mr. Kerner suggests a week. I
20 suppose we could live with a week to get some
21 nice, specific, tight suggestions. If that would
22 move the ball along and reduce any remaining
23 difficulties, then I think we can probably take
24 that amount of time.

25 MR. KERNER: I'd note, as well, I don't

1 know how substantial this is, but the document,
2 itself, indicates that there are some discussions
3 continuing on some specific areas. In 1306, for
4 example, utilities iron out yet.

5 So, probably we're in a situation where
6 there's going to be some number of days, you know,
7 before something real tight could be produced
8 anyway.

9 PRESIDING MEMBER PFANNENSTIEL: Well, if
10 all the problems of the world can be resolved in
11 another few days, then we certainly should allow
12 for that.

13 DR. TOOKER: Thank you. Andrea, could
14 you just basically summarize the changes in 1303.

15 MR. BROWN: Are we moving past
16 definitions?

17 DR. TOOKER: Well, I'd heard the
18 Chairman suggestion that we come back to the
19 definitions once we had gone through each section.
20 Do you have additional comments on definitions?

21 MR. BROWN: I have a number of comments,
22 yes. And I'm sorry I may not have heard the
23 errata that occurred at the beginning.

24 DR. TOOKER: Could you identify
25 yourself, please?

1 MR. BROWN: Certainly, my name is Andrew
2 Brown with Ellison, Schneider and Harris, here for
3 Constellation New Energy, Constellation Generation
4 Group and Constellation Commodities Group.

5 I'm looking at the definition of
6 electric utility which I think has been probably
7 discussed some. The immediate question that comes
8 to mind is whether or not the or in the section
9 should be an and.

10 I think by changing or to an and where
11 you're looking at an entity that is engaged in
12 generating, transmitting and distributing electric
13 power, that would go a long way to clean that up.

14 Otherwise, there's an issue where any
15 entity that is generating appears to be an
16 electric utility.

17 DR. JASKE: Staff is not willing to make
18 that change. This language in paragraph 15, page
19 14, is the statutory definition of electric
20 utility in the Warren Alquist Act. It's
21 deliberately, in the staff's view, encompassing of
22 all of these subsidiary entities through the "or"
23 word. And we would like it to stay as is.

24 MR. BROWN: Item 18, firm capacity. My
25 review of that term is not used anywhere in the

1 regulations.

2 DR. JASKE: I'll look at that.

3 MR. BROWN: Down in 36, which is the
4 definition of LSE, and perhaps this conversation
5 has already occurred, it seemed that end users
6 include entities that don't have a customer
7 account for billing, i.e., no meter; or customers
8 have an account with some entity and are charged
9 for electricity. And I'm trying to understand the
10 distinction in the application in that section.

11 DR. JASKE: There are sometimes
12 provisions where -- maybe more conventional, I'll
13 use the word business. Businesses have multiple
14 sites that generate at one and consume at another.
15 And there are some instances in which that kind of
16 a booking arrangement is allowed against their
17 actual to reduce consumption at the end-using site
18 by the generation at the generating site. So that
19 there's a distinction between sales and what would
20 be called distribution for consumption. And we
21 want to make sure that we understand, you know,
22 those instances.

23 MR. BROWN: Are you speaking to promote
24 provision of station load, or -- I'm not
25 following.

1 DR. JASKE: No, within a facility. I'm
2 talking about geographically separated sites where
3 there's this kind of crediting or booking
4 arrangement.

5 MR. BROWN: Okay. This is an issue
6 perhaps offline with staff I could understand
7 better. But it seems to me that if you're talking
8 about a company's internal booking process in
9 terms of, you know, costs associated with
10 production at one site, offset by surplus
11 generation at another, that the consumption at the
12 consuming site would ultimately be metered at some
13 point; and delivered by an ESP or a utility.

14 So, I guess I need to understand that
15 better, probably offline.

16 DR. JASKE: I'd be happy to talk to
17 that.

18 MR. KERNER: I'd like to participate in
19 that since it relates pretty closely to the point
20 I was trying to make before about the relationship
21 between these, you know, descriptors.

22 DR. TOOKER: Okay, are there any others
23 here who want to make comments on definitions at
24 this time? Yes.

25 MR. VONDER: Tim Vonder, SDG&E. I think

1 we can address this later when we get to the
2 sections, but there was some confusion on our part
3 in understanding what exactly is meant by retail
4 customer and transmission subload. So when we get
5 to those maybe we can discuss them.

6 I didn't see any definition of those
7 terms in here, so. But those are two things that
8 I think we can discuss when we get there.

9 DR. TOOKER: Okay, yeah, those are in
10 the text of the regulations, themselves.

11 Okay, unless the Committee has questions
12 or comments, Andrea, could you provide a summary
13 of the changes that you made to 1303, generally.

14 Identify yourself, please.

15 MS. GOUGH: Andrea Gough, Energy
16 Commission Staff.

17 We propose two further changes to
18 section 1303. The first is in subsection E --

19 DR. TOOKER: On what page?

20 (Pause.)

21 MS. GOUGH: On page 19, subsection E,
22 where we've added the section where publicly owned
23 utilities that operate on a fiscal year basis may
24 choose to provide reports at the end of the fiscal
25 year rather than the annual year due date, which

1 was February 15th. So they can provide reports 45
2 days after the end of their fiscal year.

3 And then the second change in section
4 1303 is on page 23. ESPs were concerned about the
5 use of the term audit, so we've removed the word
6 audit and left the word study.

7 There was never any intention that a UDC
8 would audit ESPs, but we wanted to make that
9 clear. And then we've, in that same subsection M,
10 we've added language that clarifies how and when
11 UDCs will correct misclassified energy consumption
12 data to meet the Energy Commission's accuracy
13 standards.

14 So those are the two changes we've made
15 to 1303.

16 DR. TOOKER: Thank you. I'd like to
17 point out at this time that there is an error on
18 page 23, section (m), that is in the second line
19 of (m)(1).

20 It reads: Sections 1306(a)(1)(A),
21 (b)(1)(A). That (b)(1)(A) should be struck. So
22 it would read, sections 1306(a)(1)(A), and
23 1307(a)(1)(A), et cetera.

24 Any comments on 1303? Bruce.

25 MR. McLAUGHLIN: Bruce McLaughlin, CMUA.

1 We did have written comments. We thank you very
2 much for adding that, the fiscal filers; I think
3 we do have two POU's, substantial POU's, that are
4 fiscal filers.

5 But as we pointed out, the 45 days is a
6 little bit tight, because they close once a year,
7 and then 45 days from that closure you'll get
8 preliminary information.

9 So, we would be appreciative if we could
10 expand that another 30 days. The filers are
11 thinking that 75 days -- and since you're already
12 in the middle of the year, anyway, 75 would be
13 beautiful.

14 MS. GOUGH: What I would suggest is
15 there are, I think it's in section 1301, the
16 utilities can ask for an extension. And for those
17 that it is tight, just to send a request for an
18 extension.

19 MR. McLAUGHLIN: I appreciate that,
20 however, we're talking two utilities. And if we
21 just get it in the regs there, extra 30 days,
22 everybody would be fat, dumb and happy.

23 Thank you.

24 DR. TOOKER: Are there other comments on
25 1303? Does anybody on the phone want to make any

1 comments?

2 ASSOCIATE MEMBER GEESMAN: I have a
3 question for Bruce. If you will, could you
4 identify which fat, dumb and currently unhappy
5 members --

6 (Laughter.)

7 ASSOCIATE MEMBER GEESMAN: -- we're
8 talking about?

9 MR. McLAUGHLIN: Just a colloquialism.
10 I think SMUD is a fiscal filer, and I think TID.
11 But I don't know if that should go in the record.

12 ASSOCIATE MEMBER GEESMAN: Okay, but
13 definitely SMUD is?

14 MR. McLAUGHLIN: As I recall the very
15 first meeting we had here it was Rob Landon from
16 SMUD who actually asked for this. And so I'm
17 going to go out on a limb and say that.

18 ASSOCIATE MEMBER GEESMAN: Okay. Both,
19 though, reasonably complex systems.

20 MR. McLAUGHLIN: That's right.

21 DR. TOOKER: Thank you. If there are no
22 more questions or comments on 1303, we'll go on to
23 1304. Al Alvarado is here to summarize his
24 changes to that section.

25 MR. ALVARADO: Good morning; my name's

1 Al Alvarado with the electricity analysis office
2 here at the Energy Commission.

3 I'll focus on just a few of the
4 subsections to 1304. The first subsection
5 pertains to (A)2 which starts on page 28. This
6 change -- this is dealing with generation of fuel
7 use for subsections (A), (B) and (C). We've
8 edited subsection 3 of the section to remove the
9 request to provide the most recent fuel
10 composition analysis and an estimate of the energy
11 content of the fuel, is one of the changes that we
12 made since the last workshop and the last version
13 of the data regs.

14 The other change we made under this
15 generation of fuel use data pertains to, let's
16 see, on page 38. I'm sorry, sort of jumped around
17 here. Subsection (a)(2)(C)8.

18 So this pertains to the monthly fuel
19 cost for each generator that's larger than 50
20 megawatts. This section was modified to address
21 the fact that some generators do now have tolling
22 agreements for the natural gas needed to generate
23 electricity serving a contract obligation.

24 So we've modified this subsection; and
25 actually it's on page 27. We're asking the

1 generator to identify the portion of their fuel
2 use provided under subsection (a)(2)(C)4 that is
3 provided to the generator under a long-term
4 agreement.

5 So the information we're asking for is
6 the cost of the fuel under the tolling agreement.
7 Well, we're asking the generator to let us know
8 how much of the fuel is provided under the tolling
9 agreement, and then the specifics about the costs
10 and amounts delivered under the tolling agreement
11 would be then applied to subsection 1308, which we
12 sort of discussed earlier.

13 The next section, I think we jumped to
14 environmental.

15 DR. TOOKER: Thanks, Al. Before you
16 leave, are there any comments on the changes that
17 Al went over? Yes, Bruce.

18 MR. McLAUGHLIN: Bruce McLaughlin, CMUA.
19 And, again, I'm just repeating my written
20 comments. The members that have participated in
21 our internal review of this maintain that they do
22 not have monthly sales data by customer
23 classification.

24 They could do that with extreme staff
25 burden, I think. But it's not something that they

1 intend to record at all. We made those comments
2 the first round, and I'll make them again here.

3 MR. BROWN: Andy Brown for
4 Constellation. With respect to the tolling
5 elements, this section is asking for information
6 from the generator. The generator's not going to
7 know the cost of the gas supplied by the person
8 they have the tolling arrangement with.

9 DR. JASKE: That's not what's being
10 asked for here. Page 27, the language that's
11 added lets the generator off the hook to provide
12 the cost for the gas provided through a tolling
13 agreement, if there's any gas that they still buy,
14 themselves that they record.

15 MR. BROWN: So the second part of the
16 sentence is just asking for quantity?

17 DR. JASKE: Yes, they're to provide fuel
18 cost data for the fuel, except for -- for the
19 volume of fuel, except for the fuel provided
20 through a tolling agreement.

21 If there is fuel provided under a
22 tolling agreement then they do not need the
23 report, the cost of that, they probably don't even
24 know the cost of that. And that's picked up later
25 in 1308.

1 MR. BROWN: Thank you.

2 MS. JONES: I had a question regarding
3 hydro data, and Edison had proposed in their
4 comments, moving to powerhouse rather than
5 generator. And I wanted to hear what the staff
6 response to that was.

7 MR. ALVARADO: I guess Edison asked if
8 we could change the definition to include
9 powerhouse for all the generators and I guess I
10 understand that I might have to defer to our
11 person that is responsible for tracking all the
12 changes.

13 It turns out that we've been -- this
14 language hasn't really changed. And accordingly,
15 the way we implement the regulations, we've been
16 rather loose with the reporting. And, Adam, you
17 indicated that many of the utilities only report
18 whatever information they have available? I'd let
19 Adam clarify.

20 MR. PAN: Adam Pan, Energy Commission
21 Staff. We have been requesting power plant data
22 based on the existing meter arrangements. We have
23 not asked for, you know, the power plants to
24 install additional meters to meet our definition
25 of power plants and the facilities or the units.

1 So, if there is only one meter at the
2 powerhouse that has been sufficient to meet our
3 requirements. So, I don't think there's any need
4 to change the definition since the existing
5 arrangement has been satisfactory to all involved.

6 MR. WALSH: Bill Walsh for Southern
7 California Edison. We realize that this was
8 basically the same regulation only now it's asking
9 for monthly information. It was more of an
10 opportunity to potentially clean up some of the
11 regulations that are in there.

12 But I think the CEC's aim is to get the
13 most accurate information, and that's typically
14 what we've been providing in the past and what's
15 consistent with what was stated in the comments.

16 MR. KERNER: I have a, -- Douglas Kerner
17 for IEP -- I guess, a cross-reference issue. I'm
18 looking at -- it's unclear to me why leaping
19 forward to 1347, we've gone through this nice
20 section here with regard to power plant operators
21 and the type of monthly data that's going to be
22 required. And it distinguishes based on size and
23 so forth. Substantial revision to the
24 environmental requirements, which is very much
25 appropriate and appreciated.

1 And then we get to 1347 and suddenly
2 every electric generator, any characteristic
3 apparently, is required to provide kind of what we
4 regarded as pretty egregious and burdensome
5 material, including environmental information,
6 cost information and so forth that would not be
7 applicable to most power plant operators.

8 And so I'm wondering, and this is
9 resource adequacy here anyway, I'm not
10 understanding why 1347(c) is here, in view of the
11 good work that's been done on the prior section.
12 And it seems to me that it's inconsistent.

13 ASSOCIATE MEMBER GEESMAN: Where are
14 you, Doug?

15 MR. KERNER: Top of page 62, sir.

16 ASSOCIATE MEMBER GEESMAN: But I thought
17 you were mentioning a cross-reference in 1304.

18 MR. KERNER: Well, yeah, because 1304
19 goes to the, you know, obviously the collection of
20 this type of power plant data by people. And then
21 being careful to, you know, limit, for example,
22 the environmental data in certain ways.

23 Limit, for example, cost data's not
24 provided by smaller power plant operators and so
25 forth. And this seems to be a pretty

1 comprehensive grab at all of that type of
2 material.

3 DR. TOOKER: Chairman, do you want to go
4 through this now or wait until we get to 1347?

5 ASSOCIATE MEMBER GEESMAN: I'm happy to
6 wait.

7 DR. TOOKER: Okay, why don't we hold off
8 on responding to Doug's comments then, and we'll
9 go through the sections. And when we get to 1347
10 we can discuss that.

11 Any other comments, then, or questions
12 on 1304 sections that Al talked about?

13 MR. McLAUGHLIN: Question.

14 DR. TOOKER: Bruce.

15 MR. McLAUGHLIN: We had a question,
16 administrative, I guess, as far as the dates when
17 we would file these reports that are filed with
18 other agencies. Would it be the most recent
19 report if it were -- do you have a response to
20 that?

21 DR. TOOKER: Are you talking about the
22 environmental section or the other?

23 MR. McLAUGHLIN: Yeah, actually the
24 environmental section where what the requirement
25 is that we would submit copies of all reports or

1 filings required by regulations, permit, et
2 cetera.

3 DR. TOOKER: Okay. Let Jim McKinney go
4 through that and summarize it first and then we'll
5 take comments on that.

6 MR. McLAUGHLIN: Okay, great, thanks.

7 DR. TOOKER: Jim.

8 MR. McKINNEY: Jim McKinney, Energy
9 Commission Staff. Chris reminds me to refer to
10 page 27, so. We have made major changes from the
11 original staff proposal. The two main changes
12 that we have eliminated any requirement for
13 generators to compile, quote-unquote, original
14 data, so we are asking for copies of applicable
15 data in two media; one outgrowth of deleting the
16 requirement for original data is that we've
17 deleted any request for emissions-related
18 information. Because we feel that information
19 already supplied to state and federal agencies for
20 emissions is currently what we use for the
21 environmental performance reports. And we can
22 continue to use that.

23 We are continuing to ask for copies of
24 information related to water supply, water use and
25 discharge, and then for biological resources there

1 are two areas of information staff feel important
2 to track ongoing trends with the effects of
3 various technologies on sensitive and endangered
4 species.

5 So we are asking for copies of any take
6 reports, as defined under the Endangered Species
7 Act, for generators one megawatt and greater. I
8 think that would apply primarily to the wind
9 industry and the hydropower industry.

10 We are also asking for, or continuing to
11 ask for copies of the impingement reports supplied
12 to the regional water boards for facilities using
13 once-through cooling as an indicator of
14 improvement in that area.

15 We also are asking for copies of any
16 notices of violation submitted by state or federal
17 agencies.

18 MS. JONES: So, let me just clarify
19 then. On the water supplies and the wastewater
20 discharges you're going down to a 20 megawatt
21 size. But then where the biological subsections
22 (b) and (c), you're proposing to go all the way
23 down to 1 megawatt?

24 MR. McKINNEY: Yes. The intent there is
25 to insure that we capture effects of smaller

1 facilities, and specifically small hydro which can
2 affect endangered salmonead populations and
3 amphibious populations. And for wind turbine
4 arrays that are often 1 megawatt and less, and
5 their effects on endangered species.

6 So that's the reason for having the 1
7 megawatt requirement just for this one section;
8 and 20 for the water resource area.

9 DR. TOOKER: Thank you, Jim. Any
10 comments on this section?

11 MR. BROWN: Andrew Brown for
12 Constellation. Under the water supplies, and
13 perhaps it's just a clarifying question, you're
14 asking for any including contract conditions that
15 identify any of the following.

16 And I'm wondering if there can be a
17 clarification -- well, what I'm getting to is
18 there's a description of the cooling technologies
19 being one of the trigger events. And sometimes,
20 depending on the nature of the contract there can
21 be, you know, full description of the power plant,
22 including, you know, basically it might be lifted
23 from the summary that is used here at the
24 Commission for licensing purposes.

25 Might touch on those things. I'm

1 assuming that you don't actually want a contract
2 that, or need a contract that would have merely
3 made a passing reference to that.

4 MR. MCKINNEY: In terms of information
5 supplied by firms seeking license before the
6 Energy Commission, as we -- we've had this
7 discussion in previous workshops, that's a very
8 small segment of the array of power plants using
9 water for cooling purposes.

10 And while we can look at information
11 provided in the AFC, that leaves a lot of plants
12 where we don't have ready access to that. So, --

13 MR. BROWN: So, just to be clear, you're
14 basically asking for water supply information from
15 in any instance where a contract speak to a
16 cooling technology being used. And sometimes
17 within the O&M portion of a contract there may be
18 a discussion of the cost associated with the water
19 quality treatment, and so that would trigger this?
20 Is that the staff's intent?

21 MR. MCKINNEY: The staff intent is to
22 access any and all information pertaining to water
23 supplies and water use at a given power plant
24 facility. This is staff's best attempt to create
25 language that would create access to information

1 already collected and provided to other agencies
2 by energy generators.

3 DR. TOOKER: I'd like to respond to
4 that. I think, in general, staff would not expect
5 generators to be submitting multiple documents
6 which might happen to just have reference to a
7 certain topic if there are other documents that
8 are more comprehensive and provide that
9 information.

10 MR. McLAUGHLIN: Question here.

11 DR. TOOKER: Bruce.

12 MR. McLAUGHLIN: Same question as I
13 mentioned before. When would you collect these?
14 These are copies, so we're not just referring to a
15 particular report. But when would you prefer? As
16 they're due to the other agencies, or during an
17 annual reporting timeframe? And electronic or
18 hard?

19 MR. MCKINNEY: The intent is to have the
20 information come in at one time. And previously
21 we're assuming it would be, you know, concurrent
22 with the other 1304 filings done on an annual
23 basis. Between communication between our staff
24 and our counsel's office I think that got left
25 out. So I think it's a good clarifying question.

1 So the intent is when other 1304 reports are filed
2 on an annual basis.

3 MR. McLAUGHLIN: So the report we would
4 file would be the most recent report?

5 MR. McKINNEY: Right, right.

6 MR. McLAUGHLIN: Okay, thank you.

7 MR. McKINNEY: Yeah. And, again, as
8 Chris mentioned, we're not seeking inches of
9 copies of documents. You know, summaries would be
10 preferable, electronic would be preferable. But
11 if it's hard copy, those sections pertaining to
12 the specific information request.

13 MR. McLAUGHLIN: Thank you. And then I
14 did have a question on 1304(a)(3)(C) on the
15 violation. Just it's the may have violated.
16 We're unsure about that. For instance, fire
17 departments are notorious for just coming in
18 unannounced inspections and throwing a piece of
19 paper at you. It may be nothing.

20 I guess the violation aspect where
21 something has already been established there might
22 be paperwork and --

23 MR. McKINNEY: Again, this was something
24 that emerged in the discussions between staff and
25 staff counsel. I was talking about this issue

1 with Lisa DeCarlo. I think the intent here, one
2 note, that it's at state or federal level notices
3 of violation.

4 I think the intent here is to capture
5 letters of warning from agencies. So it's not
6 just notices of violation, but potential warnings
7 of notices of violation.

8 MR. McLAUGHLIN: Thank you.

9 DR. TOOKER: Thanks, Jim. Okay, moving
10 on, if there are no other questions or comments on
11 13 -- oh, I see Al has a comment.

12 MR. ALVARADO: Just one additional
13 change to section 1304(b) on page 29. In the last
14 version staff initially recommended having the
15 UDCs report this information every quarter. Given
16 the comments we received at the last workshop we
17 actually removed this request and left the report
18 timing as it was, just filing twice a year instead
19 of the quarter. That's the only other change we
20 made to section 1304.

21 MR. McLAUGHLIN: Question. Bruce
22 McLaughlin, CMUA. 1304, is this little (b) we're
23 talking about?

24 MR. ALVARADO: Yes.

25 MR. McLAUGHLIN: So the smallest

1 smallest micro-hydro power plant is required here.

2 Is there any sort of megawatt limitation on this?

3 MR. ALVARADO: No. There is no megawatt
4 limit. This section has not changed, at least in
5 this requirement.

6 MR. McLAUGHLIN: Okay, I guess obviously
7 some of the munis who would not be pulled into the
8 fold here would have concern because any power
9 plant means any power plant. And like I say, it
10 could be an extremely small hydro on some conduit
11 somewhere. Would suggest a limit on that for your
12 consideration.

13 MR. ALVARADO: Okay.

14 MR. McLAUGHLIN: Thanks.

15 DR. TOOKER: Thank you. Staff is
16 proposing no additional changes on section 1305.
17 We're moving on to section 1306. Andrea Gough
18 will come forward. On section 1306 staff has
19 proposed changes to respond to UDCs' concerns
20 about the granularity of data classified by rate
21 schedules and respond to LSEs' concerns about the
22 burden of reporting.

23 And I expect Andrea will give us an
24 update on her discussions with parties on this
25 issue, and of the changes made in this section.

1 Andrea.

2 MS. GOUGH: Let's see. So we're talking
3 about on page 31, at least beginning on page 31,
4 section 1306. In regards to the PG&E's concerns
5 about the granularity of providing rate schedule
6 detailed information, we did meet with PG&E,
7 Edison and San Diego and we seem to have come to
8 an agreed-on aggregation of retail rates, which
9 we're calling retail rate class in this current
10 edition of these proposed regs.

11 The other change to section 1306 is the
12 one that places more reporting responsibility on
13 UDCs and less responsibility on ESPs and any other
14 entity that serves unbundled customers in
15 California.

16 In the current proposals UDCs are to
17 report monthly electricity deliveries and revenue
18 classified by NAICS code and retail rate class for
19 both bundled and energy service provider
20 customers.

21 And then ESPs would have reduced
22 reporting by only reporting their customers in an
23 aggregated level by sector. So they would report
24 residential, commercial, industrial sales, which
25 is similar to the level of aggregation that they

1 report to the federal government's Energy
2 Information Administration.

3 By having the UDCs report electricity
4 consumptions for both bundled and unbundled
5 customers, it solves a few problems for us. It
6 reduces -- we anticipate that it will reduce the
7 amount of unclassified electricity sales by
8 eliminating the reliance on ESPs to use the NAICS
9 codes that are provided by the UDCs.

10 And plus there's been a discrepancy from
11 the total amount of ESP sales reported by the UDCs
12 to the total amount ESP sale. And that amount
13 results in some unclassified in our total state
14 consumption.

15 This new proposals makes UDCs' reporting
16 responsibilities consistent with how gas utilities
17 are reporting natural gas consumption currently.

18 We did have discussions with the three
19 IOUs in this area and I think they'll probably
20 talk further on that. We've had some comments
21 from CMUA on NAICS coding. And actually each
22 municipal utility already NAICS codes their
23 customers, so that's not an additional burden.
24 And about half of them report revenue currently as
25 we're asking in this proposal. They choose to

1 report revenue rather than an estimate commodity
2 price.

3 So I don't think we're asking any
4 additional burden from municipal utilities.

5 One thing I'd like, Tim Vonder at San
6 Diego mentioned that the additional burden for
7 UDCs to report ESP sales. And because, I mean I
8 might just be naive, but I mean right now
9 utilities are providing the NAICS codes for ESP
10 customers. And so I'm not quite understanding the
11 total additional burden for UDCs to report direct
12 access.

13 MR. VONDER: This is Tim Vonder. Let me
14 respond to Andrea's question of how shifting the
15 workload that the ESP currently has, and they have
16 the responsibility to do this. And this
17 responsibility was given to them as an outcome of
18 a process that we had years ago in our last
19 attempt at revising the regulations.

20 And at that time there was a very
21 serious and a very concerted effort to make the
22 playing field level for IEPs and I -- or ESPs and
23 IOUs. In other words, we were both to be
24 responsible for our data. And we were both to be
25 responsible for providing quality-accurate data.

1 And along with that responsibility comes
2 the responsibility of being able to answer
3 questions when there's discrepancies, and do
4 analyses.

5 Now, if this burden is shifted back onto
6 the IOUs, I think electronically speaking, okay,
7 electronically speaking, I think we can do it.
8 But, if there are any questions, any
9 discrepancies, any issues about their data that
10 staff has, or questions that they need answers, we
11 won't be able to do it.

12 And if the ESPs are able to shed this
13 workload then how will they be able to answer any
14 questions or discrepancies, or do the type of
15 analyses that may be required?

16 So, I really think that the efforts that
17 we spent years ago in trying to level that playing
18 field and sort out the responsibilities, we had
19 discussed all of these things before and came to
20 the conclusion that the best way to do it was for
21 the ESPs to be responsible for their sales data,
22 and for the IOUs to be responsible for theirs.

23 Now, with regard to the assignment of
24 NAICS codes, back then it was SIC codes, that was
25 a service that the ESPs, when the ESPs were

1 getting started they had very little knowledge or
2 very little experience in dealing with NAICS or
3 SIC codes. Whereas the utilities have been doing
4 it for years.

5 For example, Edison and PG&E, they've
6 not only been doing it for years, but they have
7 people in their company whose job it is to --
8 their sole job, okay, is to assign NAICS codes.
9 So they have the experience of working with the
10 NAICS codes and customers and making the
11 assignment.

12 At that time it was all new to ESPs.
13 They didn't have the experience or the knowledge
14 to make those assignments.

15 So the utility companies agreed to make
16 that assignment for them. And there was a benefit
17 here for the utility companies for making the
18 assignment for them, and then passing that NAICS
19 code on to them. And, you know, not to be selfish
20 or anything, but the benefit to the IOU is that
21 some day we might get that customer back, that
22 customer that went with the ESP.

23 And so if we make the NAICS code
24 assignment, then if that customer comes back we
25 know that he will already have a NAICS code or an

1 SIC code that we would have assigned him if he
2 were our customer from the very beginning.

3 So, I think that's kind of where we
4 stand. I hope that answers your question.

5 DR. JASKE: Mike Jaske, CEC Staff. Mr.
6 Vonder paints a very interesting portrayal of what
7 happened in 1978 -- I mean 1998, 1999, 2000. But
8 none of these customers, direct access customers,
9 were ever not customers of the UDCs. Two-thirds,
10 half of all the revenue coming from these
11 customers is distribution, transmission, all the
12 public goods charges, et cetera.

13 They continue to be billed by the IOUs
14 for those services. They continue to have the
15 same billing determinants that they use for
16 bundled customers. They have all of the data for
17 these customers. And the sort of clean separation
18 Mr. Vonder is trying to portray never happened
19 because the utilities were not willing to let ESPs
20 do total billing, collect the revenues for
21 transmission distribution of their services, and
22 provide that to the IOUs.

23 So, the UDCs have continued to be
24 involved, as Andrea mentioned. All of this data
25 are in their hands. And the difficulties we've

1 had over the years with trying to get the ESPs to
2 report, and the fluctuating, you know, population
3 of who ESPs are, coming and going, has just been a
4 practical problem.

5 So staff is proposing that we go back to
6 having the UDCs provide all of the consumption
7 data; classify it as they have been classifying it
8 for all customers all along; and do it just as
9 they're doing and have been doing all along for
10 natural gas.

11 We will get an ESP report so that we
12 can, in effect, cross-check between the two of
13 them. But, attempting to rely upon the ESPs for
14 the detailed classification of the end users has
15 simply not been -- it's been deleterious to the
16 overall QFER data, and it's led to these
17 unclassified problems that we discussed in the
18 2005 IEPR. And it seems like the most practical
19 solution to the problem.

20 MS. AGUAYO: Hi. Stacy Aguayo with APS
21 Energy Services, and I'm here on behalf of my
22 company as well as AREM.

23 Thank you for removing some of the
24 burden issue you earlier stated. I guess I have a
25 couple of questions. First, to Tim's comment.

1 You know, we will still be reporting our sales.
2 So we're not asking, or the utilities do not take
3 on that burden of reporting our revenue or sales
4 that go along with our customers. So that has not
5 changed. So I'm a little confused as to the
6 responsibility that's being shifted from us to the
7 utilities, but I'll catch up at some point. So I
8 apologize for that.

9 But specific to subsection (b) for ESP
10 reporting, or the LSEs, which the ESPs fall under,
11 we currently report by county. And now we've
12 added UDC and county. And I know AReM had made
13 some comments that we prefer to report by UDC.
14 And I guess my question now is we now have two
15 levels of reporting, by UDC and by county. And it
16 would be easier if we can keep it the way it is;
17 or at least remove one of those classifications.

18 Currently we just report by county, so
19 right now we've got both listed in there. So I
20 just wanted to point that out, if we could remove
21 UDC it would be great. If not, county.

22 MS. GOUGH: I'm assuming that adding the
23 element of UDC is a minor detail, and it helps us.
24 There's only a few counties where there's any
25 discrepancy, but there's those counties that are

1 serviced by both PG&E and Edison. And so we have
2 no way of breaking that out.

3 And so by adding UDC we assume that's a
4 pretty minor detail to add into the report.

5 MS. AGUAYO: Okay. Then on number 2,
6 which is different than what we're currently
7 doing, it may just be -- currently we report
8 average commodity prices, and now we're asking for
9 all generation costs.

10 MS. GOUGH: Yes.

11 MS. AGUAYO: Okay, so that is yet
12 another change.

13 MS. GOUGH: Right, correct.

14 MS. AGUAYO: Okay. Thank you.

15 MR. KERNER: On that same section, is
16 this two --

17 DR. TOOKER: Doug, identify yourself.

18 MR. KERNER: Douglas Kerner, IEP. Which
19 is subsection (b) here. Is that (b)(2) -- is this
20 subsection (b) intended to apply only to LSEs
21 which are not using a UDC for distribution, since
22 subsection (c) in that event requires the UDC to
23 provide the information?

24 Stated another way, would that be
25 acceptable since you're going to get, under (c),

1 the UDC will provide data?

2 DR. JASKE: (c) is merely having the UDC
3 provide the name and some contact information
4 about the ESP, you know, the volumetric. I'll
5 take that back.

6 As I mentioned before, it was intended
7 to be a cross-check between the two. That's the
8 purpose of it.

9 MS. GOUGH: So ESPs report under the
10 subsection (b).

11 MR. KERNER: And by having the UDCs
12 report that, as well, you hope to have lists that
13 are congruent? Fundamentally what you're --

14 DR. JASKE: Yes. There are utilities
15 out there serving load in California through
16 another process I have only discovered in the last
17 30 days or so. So there is volatility of who
18 serves whom.

19 And part of the purpose for 1306(c) is
20 for us to be more on top of who are these entities
21 out there providing services.

22 MR. BROWN: Andy Brown for
23 Constellation. In subsection (b) is this intended
24 to mimic the EIE reports? Or can you touch on the
25 distinction between the EIE reports and what's

1 requested here?

2 MS. GOUGH: This is a little more --
3 it's more detailed than the EIE report because
4 there will still be reporting by county and UDC.
5 And also be monthly reporting, where the EIE
6 report, I believe, is an annual report.

7 MR. BROWN: I know this is one section
8 that I'm still discussing with on the client
9 specifically (b)(2). So I hope to touch on that
10 in the written comments afterwards. Thanks.

11 MS. GOUGH: Okay.

12 MR. VONDER: This is Tim Vonder, again.
13 With (a), (b) and (c), you see the opportunity
14 here for discrepancies. They're just bound to pop
15 up.

16 MS. GOUGH: But to me, from my
17 viewpoint, we're eliminating discrepancy because,
18 for instance, this happened in all IOU periods,
19 but -- I mean service territories, but when that
20 comes to mind in particular is in San Diego where
21 in 2003 we discovered there were no military sales
22 in San Diego County.

23 And so I believe we talked to Tim or
24 someone there. They said, no, military is still
25 going strong in San Diego. And so we ended up

1 calling, I believe, four ESPs that were serving
2 large enough customers that could be military to
3 figure out where military went. And then we found
4 the correct ESPs, and didn't begin collecting
5 electricity consumption information for military
6 until the middle of 2005.

7 So I'm looking at that kind of
8 discrepancy being, not eliminated, but reduced.

9 DR. TOOKER: Any other comments or
10 questions on 1306? Les.

11 MR. GULIASI: Les Guliasi with PG&E.
12 Just really I need to clarify this point. I
13 understand the concern you have, or the reason you
14 want NAICS codes reported by the UDC for full-
15 service customers and partially serviced
16 customers. It goes to the point that Tim raised.

17 But I'm still not clear if that burden
18 is also required or placed on ESPs, or are they
19 exempt from providing you with the NAICS codes?
20 And the reason I ask that question, it seems to me
21 if you want the utilities to provide that
22 information to you and I understand your
23 practical, you know, consideration here, wouldn't
24 it be a good cross-check for you to have that
25 requirement also placed on the other load-serving

1 entities, the ESPs?

2 So my question is, is that requirement
3 placed on both entities, the ESPs, as well as the
4 IOUs?

5 MS. GOUGH: Actually since 2001 the UDCs
6 were totally responsible for the NAICS codes and
7 they provided the NAICS codes to the ESPs. And
8 the reason was similar to what Tim described as
9 the UDCs already had this whole, those back then
10 SIC code, staff setup and had been assigning SIC
11 codes. And that's not an easy task.

12 And so instead of putting that burden on
13 the ESPs, since the utilities were already doing
14 it, the UDCs have maintained the NAICS codes.
15 Does that answer your question?

16 MR. GULIASI: As I understand it, so the
17 answer to my question is no, you're only requiring
18 the NAICS codes from the IOUs, not from the ESPs,
19 correct?

20 MS. GOUGH: Right.

21 MR. GULIASI: So I guess my comment is
22 wouldn't it serve as a useful check. While I
23 understand that the IOUs may have, you know, staff
24 assigned to provide the initial assignment and to
25 maintain the assignment of the customer, and while

1 we may provide that information to an ESP,
2 wouldn't it be useful to make sure that you have,
3 as a cross-check, the information from the ESP?

4 We may not, you know, know what happens
5 to information once it leaves our shop and goes
6 over to the ESP. And if you're concerned about
7 capturing all sales for all customers, and the
8 example you raised about, you know, military in
9 San Diego illustrates the point, you'd want to
10 make sure you had a cross-check. And if you had
11 that requirement placed on both entities, you may
12 be able to avoid missing data and you may have a
13 useful cross-check.

14 So, I guess my recommendation is to make
15 that requirement both for the investor-owned
16 utilities as well as for the ESPs, for all load-
17 serving entities.

18 MS. GOUGH: Yeah. I mean I agree it's a
19 great suggestion. But I don't really think we're
20 interested in having the ESPs provide the kind of
21 resources that would take to assign NAICS codes to
22 their customers.

23 DR. TOOKER: Other comments on 1306?
24 Okay, moving on, we're not proposing any
25 additional changes to section 1307.

1 MS. GOUGH: Actually, I don't really --
2 we did propose minor changes to 1307.

3 DR. TOOKER: Could you identify
4 yourself, and then summarize it?

5 MS. GOUGH: Andrea Gough at the Energy
6 Commission Staff.

7 The changes are for gas retailers or gas
8 energy service providers to reporting
9 responsibility similar to in 1306 where they'll
10 summarize to the sector level rather than
11 providing NAICS coded level data. So that's the
12 only change.

13 DR. TOOKER: Thank you. Comments?
14 Okay, moving on to 1308. Staff is recommending
15 two changes to its original proposal. The first
16 change would clarify what sales and transport
17 information is required under subdivision (c).
18 The second change would require the reporting of
19 information about gas deliveries pursuant to
20 tolling agreements. Al Alvarado is here to speak
21 to that.

22 MR. ALVARADO: Actually I was just going
23 to mention about the tolling agreements. We've
24 already had a number of discussions about that,
25 that we just wanted to cover the gas cost that

1 would not be represented in the section 1304. And
2 properly characterize the costs associated with
3 those tolling agreements and the amounts
4 delivered. Under 1308(d) on page 38.

5 DR. TOOKER: Thanks, Al. Any questions
6 or comments?

7 MR. BROWN: Was there a change to
8 that --

9 DR. TOOKER: Identify yourself.

10 MR. BROWN: Andy Brown, Constellation.
11 Was there any change to that language that was
12 sent out?

13 MR. ALVARADO: Well, the language in
14 subsection (d) is all new. And one thing we did
15 talk about earlier this morning was the one
16 errata. That instead of -- in the first sentence,
17 instead of each gas utility that has entered into
18 tolling agreement, it's supposed to be each LSE
19 that's reporting that information.

20 DR. TOOKER: Thank you. Other questions
21 or comments on 1308? Seeing none, moving on to
22 1311 --

23 MR. BROWN: I'm sorry to be slow, but
24 just one question. What is the --

25 DR. TOOKER: Andy.

1 MR. BROWN: Andy Brown, Constellation, -
2 - the need for the price data on the gas
3 delivered?

4 MR. ALVARADO: In section 1304 we do
5 have the request for generators greater than 50
6 megawatts. We haven't changed the section where
7 it included a request for the price information.
8 So, since we recognize now that there are tolling
9 agreements, we wanted to make sure we captured all
10 of the fuel deliveries.

11 MR. BROWN: And is this information
12 given automatic confidentiality later in the -- I
13 was trying to do some cross-referencing there, but
14 wasn't successful in all occasions.

15 MR. ALVARADO: I actually don't have the
16 response to that. I'm not sure if it's one of the
17 automatic confidentiality designations.

18 DR. TOOKER: I think it is. We'll get
19 to that when we get to the latter portions.

20 MR. KERNER: Doug Kerner, IEP. There is
21 another difference here that they're in the nature
22 of the money issue, isn't that because in prior
23 instances I think you're requesting, you know,
24 aggregated revenues and, you know, volumes from
25 which you could obviously derive an average price.

1 This is a little different here, isn't
2 it, when you're asking for the actual commodity
3 price on a unit basis?

4 MR. ALVARADO: Let's see, 13 --

5 MR. KERNER: I'm not sure the customer
6 would necessarily be real thrilled about it.

7 PRESIDING MEMBER PFANNENSTIEL: Doug,
8 where specifically are you referring? I lost your
9 point.

10 MR. KERNER: Where we were -- I'm sorry,
11 it's page 38, right above '09 there in section
12 (d). This is one -- I noticed this in another
13 instance, as well, towards the -- I think in 1348,
14 is similar in going after, I think, specific price
15 information on a, I guess on a customer basis,
16 which is different from taking a chunk of sales
17 and an amount of total revenue and figuring out
18 what the, you know, average price is.

19 As with the large generators, this was
20 pointed out.

21 DR. TOOKER: Mike Jaske's just stepped
22 out. When he gets back to the room maybe we can
23 respond to that. We'll come back to that, Doug.

24 MR. KERNER: All right, thank you very
25 much.

1 DR. TOOKER: Okay, now moving on to
2 section 1311. Lynn Marshall is here to -- I'm
3 sorry, Sylvia Bender is here to speak to this
4 issue.

5 MS. BENDER: Sylvia Bender, California
6 Energy Commission Staff.

7 In 1311, since the last iteration of the
8 regulations we've had several discussions with
9 NCPA and CMUA and have made three changes. The
10 first one has to do with the date. We've altered
11 the date slightly again to accommodate the
12 diversity of annual and fiscal years for the two
13 different reporting periods there.

14 We have changed the requirement for
15 reporting cost effectiveness from a very
16 prescriptive use of the total resource cost test
17 to a more flexible explanation of how those
18 programs were determined to be cost effective.

19 And we have eliminated the section that
20 was there originally for natural gas reporting
21 since the legislation the section is based on
22 requires it to be only electricity.

23 DR. TOOKER: Comments?

24 MR. TOMASHEFSKY: Scott Tomashefsky,
25 NCPA. We're very happy with the changes;

1 appreciate the iterative process we've had in
2 changing the regulations. And also the changes to
3 the reporting date.

4 One other question just in terms of
5 talking with some of the members that are on a
6 calendar-year basis. It's kind of a chicken-and-
7 egg problem where you can accommodate one and not
8 quite accommodate the other.

9 So the question would be whether we can
10 move the March 1st back two weeks, or maybe as
11 late as April 1st. That would probably make it
12 easier for the four or five utilities who are on a
13 calendar-year basis to close up their books for
14 that particular year.

15 Other than that, if you want to leave it
16 at March 1st, we can probably do it, as well. But
17 there may be some unaudited numbers that may be
18 subject to some minor revision. So that would be
19 the other only other change, but beyond that we're
20 looking pretty good.

21 ASSOCIATE MEMBER GEESMAN: I'd gotten
22 the impression that the staff had changed it to
23 March 15th. Am I wrong? I read the text now
24 as --

25 MS. BENDER: It's March 1st. It's March

1 1st in my original changes. It was originally
2 September 15th.

3 ASSOCIATE MEMBER GEESMAN: The little
4 cheat sheet for 1311 that is in my binder that
5 says change the filing date to March 15th.

6 MS. BENDER: I think the cheat sheet was
7 probably prepared by -- may have been prepared by
8 Caryn and we may have had a miscommunication
9 there. My notes that I sent in were for the 1st.

10 ASSOCIATE MEMBER GEESMAN: Yeah, --

11 MS. BENDER: But we can compromise on a
12 date there somewhere.

13 ASSOCIATE MEMBER GEESMAN: -- you know,
14 it sounds like though Bruce's earlier comment for
15 the fiscal year filers and Scott's for the
16 calendar-year filers both hover around 75 days
17 being the appropriate metric to impose on these
18 guys. Is that going to be a problem from the
19 staff's standpoint?

20 MS. BENDER: I don't think so. I think
21 that'd be fine.

22 MR. TOMASHEFSKY: Appreciate that.

23 DR. TOOKER: Chris Tooker. I think the
24 March 15th on the cheat sheet was just a remnant.

25 ASSOCIATE MEMBER GEESMAN: Well, it was

1 inspiring.

2 (Laughter.)

3 DR. TOOKER: Thank you. Any other
4 questions for Sylvia, or comments?

5 Mike, while you were out Doug Kerner had
6 a comment about the previous section, 1306, and
7 going back and talking about page 38 -- oh, no,
8 this is 1308, section 1308(d), natural gas tolling
9 agreement.

10 Doug, if you could repeat that?

11 MR. KERNER: Yeah, Michael. My question
12 was why going after the actual commodity price,
13 which I think in this context would be on
14 customer-specific basis, as opposed, for example,
15 to doing something like referring to an LSE which
16 has tolling agreements that, you know, in the
17 aggregate are 50 megawatts or more, using revenues
18 and loads.

19 I know you can figure out an average
20 aggregated price, but I think identifying a
21 commodity price is different from the way you've
22 treated it in other contexts. It's pretty
23 sensitive.

24 DR. JASKE: So, the implication being
25 then that if the word revenue is substituted

1 there, we could compute a price, ourselves?

2 MR. KERNER: I'm really just inquiring
3 as to the rationale for the difference. If 1304,
4 for example, with large generators, you know,
5 that's what you do. And I realize you can figure
6 out an annual aggregated average price by doing
7 that.

8 I was wondering why you're deviating
9 from that approach.

10 DR. JASKE: I don't have a good
11 explanation at this point. It may be that just
12 whoever ended up with their pen on the keyboard,
13 so to speak, to mix a metaphor, chose to write it
14 this way.

15 MR. KERNER: We could talk later, I
16 guess. But a corollary question was if you know
17 off the top of your head whether this information
18 is automatically confidential, treated as such,
19 rather.

20 DR. JASKE: I believe that the answer is
21 yes, it is treated as confidential.

22 PRESIDING MEMBER PFANNENSTIEL: But I
23 think, Mike, what you're saying is that the using
24 some kind of average revenue is as valuable for
25 staff needs as saying price. Is that your

1 conclusion?

2 DR. JASKE: Yes.

3 PRESIDING MEMBER PFANNENSTIEL: Okay.

4 DR. JASKE: Worded appropriately revenue
5 can be substituted in here.

6 PRESIDING MEMBER PFANNENSTIEL: Fine.

7 DR. TOOKER: Okay, moving on -- anything
8 else on section 1311? That takes us to section
9 1342, which Mike Jaske made changes in. He can
10 summarize.

11 DR. JASKE: We had talked earlier that
12 it was going to be staff's intent that this
13 section be applicable to all of the so-called CFM
14 regulations. And that change has been made in the
15 early parts to specifically call out that it
16 applies to the section numbers that follow.

17 The more substantive change here is on
18 page 48 which introduces what looks like a new
19 subsection (j) called reduced scope for small LSEs
20 and utilities.

21 And this is, in fact, a replacement for
22 what has previously been called section 1350,
23 which was exemption. And so what staff is
24 proposing here is that there be explicit
25 acknowledgement of a reduced filing requirement

1 for small entities, defined with the same
2 thresholds as in the original regulation, so we
3 backed away from encompassing smaller -- a
4 different set of them.

5 And we've located it in this sort of
6 general rules of practice-type regulation, as
7 opposed to having it hang out there by itself.
8 And it's also sort of directed to the staff and
9 the Commission to create such abbreviated
10 reporting requirements for these smaller entities.

11 So, it's not sort of an option, I think;
12 it's intended to be something that we're going to
13 do each time.

14 So that's the two changes in 1342.

15 ASSOCIATE MEMBER GEESMAN: What kind of
16 change from the status quo does that represent, as
17 it regards the small entities?

18 DR. JASKE: Well, I think that we are
19 probably, from my perspective I'll give you a very
20 good example. I have been in the process of
21 collecting, with the assistance of Mr. McLaughlin,
22 peak demand data for small POU's that have, in the
23 past, fallen below our threshold. We get no load
24 forecast data from them. In fact, we don't even
25 get historic peak demand data from them.

1 I would want, you know, when we do our
2 CFM requirements, for there to be some de minimis
3 kind of information about their operation. You
4 know, very very simple, probably fit on a piece of
5 paper or two. But, just sort of basic facts that
6 don't otherwise manage to come to our attention.

7 ASSOCIATE MEMBER GEESMAN: And if I went
8 on the web and looked for, let's take the City of
9 Healdsburg or somebody like that, Biggs or Gridley
10 or one of these small entities, couldn't I find
11 that information?

12 DR. JASKE: No, I don't think so. I
13 actually tried doing that very thing.

14 ASSOCIATE MEMBER GEESMAN: Okay. What
15 are we going to do with it? And remember, you're
16 talking to somebody that's just gone through a
17 somewhat disruptive experience over the last month
18 of revising our forecast for 2007 because 2005
19 came in 2000 megawatts higher than we had expected
20 it to.

21 DR. JASKE: There's a variety of ways
22 that we would use, you know, this kind of
23 information. But sometimes it's -- and the
24 principal examples are in segregating between the
25 data that we get, through a variety of sources,

1 about planning area loads versus then the loads
2 actually served by a particular entity at the
3 retail level.

4 ASSOCIATE MEMBER GEESMAN: Yeah, but if
5 I fixate upon a particular tree, aren't I at risk
6 of failing to recognize the whole forest may be on
7 fire?

8 DR. JASKE: We would not want to have
9 these data for small entities substitute for
10 others, but there are applications where being
11 able to segregate between who serves load is
12 appropriate.

13 ASSOCIATE MEMBER GEESMAN: And it's not
14 diversionary to what finite staff resources we
15 have from working on the larger problems that
16 actually confront us?

17 DR. JASKE: The collection of judicious
18 amounts of this need not lead to lack of resources
19 for the major issues.

20 ASSOCIATE MEMBER GEESMAN: Yeah, I'd
21 like to see more analysts, fewer ribbon clerks,
22 given the magnitude of the challenge that we face.
23 But we'll think about this some more.

24 MS. JONES: So, let me just clarify.
25 The original language of 1350 allowed us to exempt

1 utilities. And then to establish abbreviated.

2 What your new section is eliminates that
3 ability to exempt utilities, and instead imposes a
4 abbreviated requirement?

5 DR. JASKE: Which, in the staff's view,
6 ought to be something moving toward de minimis.
7 But that's -- you're correct.

8 MR. McLAUGHLIN: Comment.

9 DR. TOOKER: Yes.

10 MR. McLAUGHLIN: Bruce McLaughlin, CMUA.
11 Far be it from CMUA to override Commissioner
12 Geesman's comments, but a question to Dr. Jaske.
13 Because this pulls in a whole gaggle of munis who
14 are well under 200, a whole gaggle well under 100.
15 And how would we go about working on these forms
16 and instructions? Would that be with the
17 participation of these prospective submitees?

18 DR. JASKE: Well, typically the staff
19 talks with the Committee; gets some sense of what
20 issues are going to be in a forthcoming IEPR
21 cycle; prepares draft forms and instructions;
22 holds a workshop or two, you know.

23 And ultimately the Commission decides,
24 you know, what sort of data it wishes to collect.
25 And that could vary from cycle to cycle, depending

1 on, you know, issues that are perceived to be
2 important in that general time horizon.

3 MR. McLAUGHLIN: Okay. Because we were
4 disappointed to see 1350 go away, because it did
5 have an exemption process. And here it's sort of
6 gone. It's as if every single muni, including the
7 ones that have 5 megawatts of load, which are
8 effectively make no difference to the state's
9 resource adequacy, in a sense.

10 Still giving some information, and as
11 you mentioned, CMUA was helpful in getting certain
12 information of late. But we're certainly
13 interested in reducing the burden on the smaller
14 utilities who maybe only have one or two staffers,
15 total, that might not impact the state's
16 informational flow.

17 Those are my comments.

18 DR. JASKE: I think we mean de minimis.

19 MR. McLAUGHLIN: Okay.

20 DR. TOOKER: Other questions or comments
21 on 1342? Okay, moving on to section, let's see,
22 we're not proposing to modify 1343 additionally.
23 So we are moving to 1344, I believe. And Lynn
24 Marshall is here to speak to that.

25 MS. MARSHALL: Okay, 1344, in the first

1 couple of sections where it's requesting historic
2 hourly loads, we were attempting to clarify what's
3 the applicability of the section.

4 So (a) is specifically retail customers;
5 that would be ESPs or the IOUs reporting their
6 bundled customer only. And it sounds like from
7 Tim's comments maybe we could benefit from a
8 definition there to clarify that.

9 And we did add that load-serving
10 entities in multiple distribution areas would
11 report those hourly loads separately, so that
12 would be ESPs reporting for each IOU in which they
13 sell.

14 (b) then is the distribution area, so
15 that's the IOUs' service area that's bundled plus
16 direct access. That's the only change to (b).

17 To (c) we have made no changes since the
18 last draft.

19 Section (d) is a new staff proposal for
20 monthly historic hourly loads from large UDCs
21 only. And we have a 2000 megawatt threshold. The
22 reason for this is because of concerns about the
23 time lag between the time staff gets data on
24 actual loads and -- or when loads actually occur
25 and when we're able to update our forecast.

1 So, we're trying to get more frequent
2 reports of actual hourly loads so that we can
3 evaluate out forecast and report better to
4 policymakers on load trends on more of a real-time
5 basis.

6 Section (e), the only change since the
7 last draft for substantive change is we have come
8 up with a definition of sub-area, and that is
9 based on the definitions that the PTOs are already
10 using for their own expansion plan. So we're not
11 coming up with new definitions. We're asking for
12 data based on the way they are doing load pocket
13 studies or expansion plan studies already.

14 Comments?

15 MR. WALSH: Bill Walsh for Southern
16 California Edison. We'd request, under section
17 (c)(2) why the sampling was changed from annual to
18 monthly. I guess we have a problem with the
19 potential additional cost and --

20 MS. MARSHALL: Okay. Let me clarify
21 that. There's no new requirements here. All we
22 did, we actually eliminated a reporting
23 requirement, because all we did was combine the
24 old (b) and the old (c). So if you go look at the
25 top on page 55, we struck out the old (c) and that

1 was hourly sector load estimates designed to be
2 accurate to the monthly sector coincident peak,
3 plus or minus 10 percent.

4 So this is not a new requirement. We
5 just combined two of the old sections. So, you're
6 already doing this.

7 DR. TOOKER: Are there other questions
8 or comments on this --

9 MR. McLAUGHLIN: Two questions here.

10 DR. TOOKER: Yes, Bruce.

11 MR. McLAUGHLIN: Bruce McLaughlin, CMUA.
12 The first one, it was reported to me that some of
13 the POUs do not have access to hourly distribution
14 loss information.

15 MS. MARSHALL: We do have a reference
16 here, too, or valid statistical estimating
17 techniques. So that could be an explanation of
18 your estimate of what you think your distribution
19 losses are. I think there's ways to accommodate
20 that.

21 MR. McLAUGHLIN: Okay, I'll talk to some
22 of the technical folks. Thank you.

23 And then a definition of transmission
24 distribution, where's the break-off.

25 MS. MARSHALL: Yeah, the current regs,

1 we have not proposed a size threshold. I think
2 that's a good issue we should consider. There's
3 not one in there right now, so probably may want
4 to consider whether we want to add one.

5 MR. McLAUGHLIN: Okay. And so you would
6 be open to suggestions?

7 MS. MARSHALL: Yes.

8 MR. McLAUGHLIN: Okay, thank you.

9 MR. VONDER: While we're talking about
10 that one, let me ask a clarifying question. With
11 regard to the transmission area, are we talking --

12 DR. TOOKER: Identify yourself.

13 MR. VONDER: Tim Vonder, SDG&E. Are we
14 talking here about the physical scope of the
15 lines? In other words, the boundaries of these
16 transmission lines? Or are we talking about
17 customer load at various voltage levels?

18 MS. MARSHALL: No, this --

19 MR. VONDER: You know, customers who are
20 taking load at various voltage levels. So, is it,
21 you know, physical or is it customer-based based
22 on --

23 MS. MARSHALL: Physical, but -- this is
24 probably maybe not even going to be relevant for
25 San Diego, physical but for different geographic

1 sub-areas.

2 So, you know, PG&E, they've got 20
3 divisions that they use when they're modeling
4 their transmission plan. I don't know that San
5 Diego has more than one or two, so that's the kind
6 of geographic division we're talking about.

7 MR. VONDER: I see. So it's not just
8 customers who are taking load at a transmission
9 level; it's more about the physical system.

10 DR. JASKE: It is not customers taking
11 load at different levels. It is the physical
12 system.

13 MR. VONDER: Right. Okay.

14 DR. JASKE: San Diego's most recent PTO
15 filing to the ISO, I think, calls out five
16 separate subtransmission areas, transmission
17 planning areas. I don't know what their
18 definitions are. That's the dialogue that we need
19 to have with each of the PTOs; what are these
20 things; how are they defined.

21 MR. VONDER: Okay, that was the
22 distinction that I needed. Thank you.

23 If no one else is going to make any
24 comments, it's Tim, again. Can we go back to (a),
25 please, on retail customer. Now, can you define

1 that again, for me, please?

2 MS. MARSHALL: Well, the reference here
3 to retail customer, we would be referring to your
4 bundled customers. So, under (a) it's your
5 bundled customer load; (b) is the service area
6 load, bundled plus direct access.

7 MR. VONDER: Okay, so is this then
8 bundled customer load at an aggregate level? Or
9 is it bundled customer load at an individual
10 customer level?

11 MS. MARSHALL: This is aggregate bundled
12 customer load with distribution losses itemized
13 separately.

14 MR. VONDER: All right, that's -- I'm
15 glad. That's the way I --

16 MS. MARSHALL: Can you do --

17 MR. VONDER: -- was hoping that we could
18 interpret that. And, again, I just wanted to make
19 my point about the amount -- well, the amount of
20 data that's being requested on March the 15th. It
21 seems as though we have an awful lot of data
22 that's being requested here on March 15th, and a
23 new submission that's being requested monthly.

24 And with regard to that data that is
25 being requested monthly, you do realize that

1 responding at this frequency means that utilities
2 will not have a chance to really clean that data?

3 MS. MARSHALL: Yes.

4 MR. VONDER: That, you know, we need --

5 MS. MARSHALL: Yes.

6 MR. VONDER: -- in order to get good
7 accurate data we need time to make adjustments for
8 sell-back and power purchases and so on and so
9 forth, and make sure it's good. Here we won't
10 have that opportunity to do any of that data
11 cleaning that really needs to be done.

12 So, with the proviso that, you know,
13 you're not going to be getting clean data, it will
14 be virtually impossible, you know. You can get
15 estimates of what it is, but not numbers that we
16 will eventually settle on.

17 MS. MARSHALL: If parties want to
18 propose a similar alternative that may, you know,
19 find a better balance between us getting more
20 timely data and better quality tradeoff here, we'd
21 certainly be interested in hearing that.

22 MR. VONDER: I think on our website we
23 publish our DLP data, which is there for the
24 taking.

25 MS. MARSHALL: Anything else?

1 DR. TOOKER: Any other people wishing to
2 comment or ask questions on 1344?

3 MR. VONDER: Oh, the -- I believe in
4 this section we also dealt with the increasing the
5 air or decreasing, or stating an air level for
6 these meter studies to be plus or minus 10
7 percent?

8 MS. MARSHALL: It's the same as it was
9 before; we just moved -- deleted the requirement
10 in section (c) and combined it with (b). So
11 that's not a new requirement. We always had the
12 plus or minus 10 percent for the monthly peak.
13 It's in the old (c) --

14 MR. VONDER: Well, then I --

15 MS. MARSHALL: -- which is struck out on
16 the top --

17 MR. VONDER: -- I just think it should
18 be noted. And I think other utilities have noted
19 the same thing, that to get to these levels is
20 going to require many new meters be added for
21 these studies and lots of time to analyze data,
22 collect data and a lot of dollars spent to acquire
23 the meters.

24 MS. MARSHALL: That probably should have
25 addressed when we put these in the regs in the

1 last rulemaking. Because this was put in, you
2 know, several years ago, so.

3 MR. VONDER: Okay.

4 MR. GULIASI: Les Guliasi, PG&E. Would
5 you please explain the rationale for making the
6 requests for section (a) March 15, and section (c)
7 September 1st? I apologize if this was ground
8 covered in the previous workshops where I may not
9 have been in attendance.

10 MS. MARSHALL: I'm sorry, what's your
11 question?

12 MR. GULIASI: What's the rationale for
13 the two due dates of March 15th and September 1st?

14 MS. MARSHALL: Well, the September 1st
15 date applies to the customer sector hourly load
16 analysis and we understand that's a more complex
17 analysis.

18 (a), we're asking just actual recorded
19 hourly loads. The March 15th date is actually the
20 same date that was settled on in the PUC resource
21 adequacy process. And that allows us to do our
22 analysis of the previous year sooner. If we're
23 not getting it until June, there's no way we could
24 have, even as late as we were this time in
25 updating our forecast for next summer, it would

1 have been even much too late to meet the needs of
2 the resource adequacy and other proceedings.

3 MR. GULIASI: That was a helpful
4 explanation for the March date, but what's the
5 rationale for the September 1st date for the
6 estimates?

7 MS. MARSHALL: That's not new. The
8 September 1st date was the date that we had in the
9 old section (c); that's when the hourly load
10 estimates by customer sector were due.

11 So really what we've done is eliminate
12 the requirement for the annual peak load estimates
13 by customer sector. We used to request those in
14 June and get the hourly customer load profiles in
15 September. And so we've eliminated those and
16 we're getting all the data now in September.

17 MR. GULIASI: Let me ask the --

18 MS. MARSHALL: Eliminated the annual
19 peak.

20 MR. GULIASI: -- question a different
21 way. I wasn't asking why you changed it from June
22 to September. Maybe I'd understand better how the
23 September date providing you those data fits your
24 work and the work you do in your work schedule.

25 MS. MARSHALL: Well, I think that nine

1 months is a reasonable amount of time to be able
2 to complete that work and, you know, we would like
3 to get it as soon as it's available. That's
4 probably as soon as it's realistic.

5 And then when we get that we incorporate
6 that into the hourly load profiles used for our
7 peak demand forecast. It's probably too late in
8 some years, but I don't think we could reasonably
9 ask for that data any sooner.

10 MR. GULIASI: Okay, thank you.

11 DR. TOOKER: Okay, moving on to section
12 1345, demand forecasts.

13 MS. MARSHALL: Okay, what we've done
14 here is divide up the scope of the forms and
15 instructions by function, so there's a specific
16 section for UDCs, which is fairly similar to the
17 old 1345. And then section (b) is for ESPs or any
18 other nonUDC LSEs. And so that has a more limited
19 scope and the forms and instructions are up to
20 seven years, as opposed to up to 20 years on
21 section (a).

22 And then we've made a separate section
23 for gas. And we've made clear that not all data
24 is necessarily required for each and every year.
25 People had a concern about the hourly loads being

1 asked for every year of the forecast period.

2 And I think those are the only changes.

3 MS. AGUAYO: Lynn, Stacy Aguayo with APS
4 Energy Services. Just to clarify, when is the --
5 will there be a due date on the demand forecast?

6 MS. MARSHALL: That's determined, when
7 we do the forms and instructions we'll typically
8 have a staff workshop. Then the Commission will
9 adopt them. And at that point then the date is
10 scheduled. So, it's flexible.

11 MR. McLAUGHLIN: Question. Bruce
12 McLaughlin, CMUA. We're still, I think,
13 dissatisfied that this section incorporates AB-
14 1723 and demand forecasts, where each utility is
15 supposed to forecast their departing load from a
16 service territory.

17 This is now 25302 in the Public
18 Resources Code; it's a requirement on the Energy
19 Commission where you give that information to the
20 Public Utilities Commission. Something we're
21 quite interested in.

22 MS. MARSHALL: And we're going to be
23 requesting the information we need to do that as
24 part of the forms and instructions. What is it
25 that we're not -- what is it you don't like about

1 these regs? I'm not clear.

2 MR. McLAUGHLIN: Well, 25302.5(a)(1),
3 the amount of forecasted load that may be lost or
4 added by any of the following, a CCA, a local POU
5 or a newly formed POU. And the reporting
6 requirement is in all types of utilities.

7 And I just don't see how this would
8 garner that type of information.

9 MS. MARSHALL: Oh. Well, in paragraph
10 two where we're saying, including assumptions
11 about geographic changes in the service area, or
12 movements of customers to or from other LSEs,
13 that's very general, but that certainly allows us
14 to request say PG&E or the other IOUs to itemize
15 their forecast to show how they are, say,
16 accounting for the loss of SMUD customers. Or
17 accounting for loss of load to a CCH.

18 So I think that it may sound very
19 general in the regs, but the forms and
20 instructions we could be quite specific about what
21 assumptions, how much load they're losing and how
22 they've accounted for that in their forecast. And
23 then that would give us the historic data and the
24 other assumptions we need to do the same analysis
25 in our own forecast.

1 MR. McLAUGHLIN: Then you'd use this
2 information to compile that report that would then
3 go to the CPUC?

4 MS. MARSHALL: Yes.

5 MR. McLAUGHLIN: Okay. And our other
6 question with the advent of 1311, certainly on the
7 part of the publics, we're giving you all our
8 energy efficiency information.

9 Is, for instance, (a)(5) there on page
10 57, or even (a)(3), is that sort of duplicitous or
11 at least -- duplicative, rather --

12 (Laughter.)

13 MR. McLAUGHLIN: Slip of the tongue,
14 huh? Out of the mouths of babes.

15 MS. MARSHALL: Yeah, and that (a)(5)
16 that is not a new requirement. That's been there
17 as part of our CFM regs. I think --

18 MR. McLAUGHLIN: Remember we asked these
19 questions because --

20 MS. MARSHALL: Yeah.

21 MR. McLAUGHLIN: -- we're new to this.
22 A lot of --

23 MS. MARSHALL: Yeah.

24 MR. McLAUGHLIN: -- the POUs will be
25 reporting that have never had to.

1 MS. MARSHALL: As the 1311, or I guess
2 similar reporting is already starting, I think we
3 can look at the data we're getting through that
4 and determine whether there's anything else we
5 need from the utilities -- from those utilities
6 for section (5). But I think we have to have that
7 in our regs to allow us to have the flexibility to
8 get the data we need. Because this covers the
9 IOUs, also.

10 MR. McLAUGHLIN: Right.

11 DR. JASKE: Well, there's a bigger
12 reason. 1311 is backward looking. It's a
13 reporting of what has taken place.

14 This is prospective. This is what are
15 the impact -- in the second part of paragraph (5)
16 it's the description of the impact of the program;
17 it's off into the future. And the first part of
18 paragraph (5) is the efficiency potential that
19 isn't necessarily tapped by any of the programs.

20 So this is really a largely disjoint
21 future-looking effort, as opposed to 1311, which
22 is historic.

23 MR. McLAUGHLIN: Thank you.

24 MS. AGUAYO: Stacy Aguayo again, APS
25 Energy Services and AREM. Lynn, specifically on

1 (b)(1) -- I note (b)(2) is covered back on page, I
2 think 62 or 72, in the confidentiality section, or
3 what is considered confidential. But, (1) is not.
4 And we may -- if I need to wait till we get to
5 that section, I can do so. But we would like the
6 Commission to consider having that confidential,
7 as well.

8 MS. MARSHALL: Right, so I think
9 essentially that would be making the customer
10 accounts that the ESP submitted, along with their
11 forecast, confidential unless they're aggregated.

12 MS. AGUAYO: Yes, I mean certainly, you
13 know, we're a fan of aggregation. But
14 specifically on (1) we're getting information
15 about movement of our load that we know is going
16 to affect our forecast. And that's information
17 that we would want confidential and not disclosed.

18 MS. MARSHALL: Um-hum, yeah.

19 MS. AGUAYO: Thank you.

20 MR. VONDER: Okay. This is Tim, again,
21 from SDG&E. Just to see if my understanding is
22 correct, number (3) -- okay, first of all, this is
23 (a), okay, UDC electricity demand forecast, number
24 (3) and number (5), just to put these in different
25 terminology, is number (3) what we usually refer

1 to as committed EEE and is number (5) what we
2 usually refer to as uncommitted EE?

3 MS. MARSHALL: I think that's a
4 reasonable. (3) is your forecast including the
5 committed, and (5) is additional uncommitted.

6 MR. VONDER: Okay. And then one other
7 question just out of curiosity. Why up to 20
8 years for the UDCs and seven years for the ESPs?

9 MS. MARSHALL: Well, distribution
10 companies have a fundamentally different role.
11 They're required -- they're responsible for system
12 planning, whereas with ESPs, you know, they're
13 just -- their forecast is essentially, you know,
14 their market share. Doesn't have any bearing on,
15 you wouldn't want to use it for any kind of
16 distribution system planning.

17 MR. VONDER: Okay.

18 MS. AGUAYO: Lynn, Stacy Aguayo, APS
19 Energy Services. One final minor clarification
20 here. For our (a) filings we file non -- I forget
21 which form it is, but nonres and res rather than
22 customer sectors.

23 For the demand forecast here it would be
24 helpful if we're able to report in those two
25 categories. I mean they're very similar, but we

1 just -- I want to bring that point up that that's
2 one change that we made on the RA side that would
3 be helpful, since those are tied.

4 MS. MARSHALL: Okay, that's a good
5 point. In our forms and instructions for the last
6 cycle I think we were clear that people could
7 present their forecast by the sectors that they
8 normally use as part of the forecast. So we
9 didn't, in the forms and instructions, try to
10 force people to use the NAICS-based sector that we
11 use. And I don't see that as a problem; I don't
12 know if we want to address that explicitly in the
13 regs. But I think we can consider that.

14 MS. AGUAYO: Thank you.

15 MR. McLAUGHLIN: One question. Bruce
16 McLaughlin, CMUA. On our gas utility question,
17 did you have a comment on that? I put it in my
18 written. We have a gas utility; they don't give a
19 peak demand. That's in 1345(c)(3).

20 MS. MARSHALL: Our gas analysis staff
21 explicitly has wanted to get gas peak demand
22 information, so --

23 MR. McLAUGHLIN: Okay.

24 MS. MARSHALL: -- that's why we've added
25 that.

1 MR. McLAUGHLIN: However, if a utility
2 does not possess or expect to acquire that -- this
3 particular utility says they just don't do it.
4 They just don't have any way of recording that,
5 so.

6 MS. MARSHALL: Well, noted.

7 MR. McLAUGHLIN: Okay. Thanks.

8 DR. TOOKER: Okay, moving on to section
9 1346, electricity resource adequacy. Mike Jaske
10 will summarize.

11 DR. JASKE: This section is in the
12 specifics of the data to be provided quite similar
13 to how it was before. It's been rewritten to
14 segregate that into two subsections, those LSEs
15 under the jurisdiction of the PUC in paragraph
16 (a); and then in paragraph (B) all of the others.

17 And the part under the jurisdiction of
18 the PUC is actually a little bit shorter, omits
19 paragraph number 8. That's in the sort of nonPUC
20 jurisdictional because the ones who are under the
21 jurisdiction of the PUC, the scope of paragraph 8
22 is well understood. There's detailed requirements
23 for PUC orders, et cetera, that define the nature
24 of the planning margins of that they're to be
25 pursuing, et cetera.

1 Whereas for the nonPUC jurisdictional,
2 those are, according to Public Utilities Code
3 section 9620, more discretion is granted to POU's
4 in particular to self-define some of these things.

5 So, because of that there is no
6 uniformity, so paragraph 8 seeks to obtain, you
7 know, descriptive material from entities who
8 aren't PUC jurisdictional so we can understand
9 what it is they are planning toward. And that can
10 all factor into the Energy Commission's report to
11 the Legislature about the POU's in particular.

12 MR. BROWN: Andy Brown with
13 Constellation. I'd just note that in (a)(4)
14 there's a cross-reference to subdivision (b) that
15 doesn't make sense to me. Looking for
16 clarification there.

17 DR. JASKE: Yes. I believe you are
18 correct. That should refer to number (2) above.
19 That probably also is a problem in paragraph
20 (b)(4), also, should refer to (2) above. Thank
21 you.

22 MR. McLAUGHLIN: Comment here. Bruce
23 McLaughlin, CMUA. Our comments on this were
24 nothing because we would like an opportunity to
25 meet with Dr. Jaske and CEC Staff and just review

1 it. We have neither positive comments on it,
2 because first of all, we appreciate very much the
3 separation where we have the nonCPUC
4 jurisdictionals.

5 We recognize that the statute requires
6 you to collect certain information. And also I
7 think CMUA members are not afraid of the light of
8 day. I think the more information that we are
9 allowed to accurately give to you the better off
10 the munis will be shown.

11 So, we would like to get on the stick.
12 Just like we worked together with you on 1311,
13 we'd like to do this on 1346 post haste.

14 DR. JASKE: We'll try to find some time
15 in the next few days.

16 MR. McLAUGHLIN: And that has been the
17 problem over the last two weeks. And that's why
18 we haven't done this to this point, Commissioners.
19 But we certainly would like the opportunity to sit
20 across the table. Just putting that out to you.

21 MR. BROWN: Andy Brown for
22 Constellation. In subsection (a) looking down at
23 (5) and (6), I'm trying to understand if the
24 information sought here is with respect to
25 capacity secured resource adequacy, as distinct

1 from energy that may be procured from other
2 resources.

3 And specifically with reference to (6)
4 issues in terms of deliverability limitations.
5 May not be information that an LSE has; it may be
6 something that's more dynamic and driven by ISO
7 determinations.

8 And so I guess on the one hand I'm
9 asking, you know, sort of informally what layer of
10 information are you looking for. And are we
11 keeping in mind that there are instances where an
12 LSE may secure RA capacity without intention of
13 taking energy from it.

14 DR. JASKE: Paragraph (5) is intended to
15 encompass resources that are counting for resource
16 adequacy purposes that aren't just in capacity
17 terms.

18 Yes, or even just, you know, firm energy
19 contract. A traditional 6 by 16, you know, firm
20 delivery type resource.

21 And then paragraph (6), yes, I think I
22 acknowledge your point that some aspects of
23 deliverability aren't able to be known to the LSE,
24 but, you know, certainly import deliverability,
25 there's process for that to be recognized. So at

1 least portions of it are known, so.

2 MR. BROWN: And the, I guess the last
3 question was just in terms of the structure of the
4 regs. In (a) the lead-in paragraph says -- the
5 lead-in sentence to the subparagraph says this
6 information shall include. I don't know if you
7 would prefer to have shall versus may.
8 Particularly when you're looking at those forward
9 years.

10 The way I'm interpreting this is the
11 regs are asking for information up to four years.
12 And that is discretionary, I guess. That would be
13 an issue come up in forms and instructions. But
14 you're trying to give yourself flexibility if the
15 Commission adopts a multiyear RAR, for example.

16 DR. JASKE: Yes, you have understood it
17 correctly.

18 MR. BROWN: And so the notion of some of
19 this information may not be necessarily useful or
20 needed. So my thought was changing shall to may,
21 may provide you that flexibility, as opposed to
22 tying your hands.

23 DR. JASKE: Okay, I'll talk with counsel
24 about how to marry shall and up to. Thank you.

25 DR. TOOKER: Other comments on 1346?

1 MR. BROWN: Just I expect this is
2 another one of the sections that has been recast,
3 so we're hoping to touch on it a little bit more
4 in the comments to follow. Thanks.

5 DR. TOOKER: Thank you. Let's move on
6 to 1347, resource plans.

7 MR. ALVARADO: Al Alvarado. Similar to
8 section 1346, we modified section 1347 to follow
9 reporting requirement specified under section
10 1345, so we do distinguish between the LSEs that
11 are UDCs and the LSEs that are not UDCs.

12 And in addition, since the original
13 language of the section defined the parties as
14 electric utilities, this section was intended to
15 also get information from generators to analyze
16 the physical system.

17 So, we explicitly broke out the section
18 to address information needed from generators,
19 too.

20 The specific details of the types of
21 information was already included in the previous
22 versions of the data regs. Any comments?

23 MR. KERNER: As I brought up earlier
24 when we were discussing section 1304, it seems to
25 us that this is an entirely inappropriate section

1 to have in here.

2 The power plant reports, which are
3 section 1304, contain the type of information
4 regarding size and fuel and types of things that
5 we've all been very comfortable, reasonably
6 comfortable with for quite awhile.

7 So, on the one hand this is, with regard
8 to several of these topics, duplicative, at least
9 with respect to the subject matter. But in other
10 respects it is inconsistent with regard to the two
11 environmental issues that are mentioned here.
12 Those are dealt with in 1304.

13 It's unfathomable to me how
14 construction, operation and maintenance costs,
15 fuel costs are relevant to anything in this
16 proceeding, certainly with respect to the topic
17 here.

18 And I don't know what (6) means. I
19 guess overall I would say this material is already
20 addressed in 1304, and as expressed here, I think
21 would be completely unacceptable.

22 MS. JONES: Let me just clarify. 1304
23 deals with historic, and this is forward looking.
24 So I think that's one distinction. This is a
25 resource plan, so they're trying to get

1 characteristics of new generators or new
2 resources.

3 MR. KERNER: Well, that certainly isn't
4 clear. But I still don't, I don't know that -- I
5 don't see at all how this type of cost information
6 is pertinent to the, even to that question.

7 MR. ALVARADO: I think 1304 originally
8 has always been to provide the Energy Commission
9 with generation and fuel use and trends, you know,
10 historical trends.

11 1347, has been applied for I guess
12 several decades pretty much, was for the
13 Commission to have flexibility depending, as what
14 Mike was saying earlier, that depending on the
15 issues and topics for each IEPR, we would be able
16 to evaluate not just the portfolios of each LSE,
17 but, if needed, to conduct any physical system
18 studies.

19 And the language about, for example,
20 environmental information for the generators, you
21 know, that has been in the old regulations before.

22 The only thing that was really
23 modified -- let me find the section here -- the
24 old regulations called for information from
25 electric utilities which, by definition, included

1 the generators. And in the regulations in the
2 past we could have requested information,
3 depending on the forms and instructions and the
4 process that go to identify the types of
5 information we would want.

6 We could have asked for information on
7 operating costs, fuel sources, capacity factors,
8 water consumption, environmental impacts. You
9 know, these are all categories that have existed
10 in the regulations. So we have not really
11 modified that at all.

12 PRESIDING MEMBER PFANNENSTIEL: Al, I'm
13 reading the language in front of me, and I guess I
14 can see where the confusion is. I understand,
15 since this is in the resource plan section it is
16 intended to apply to future resources.

17 But reading the language on the page, it
18 doesn't actually say that. A generator that is
19 located and provides electricity. It doesn't
20 really say that we're talking about future
21 resource plans or prospects. And it describes
22 what would be included.

23 I understand your intent, and I
24 understand that that intent is based on what we
25 have been doing. But it could be that this

1 language needs to be clarified to look at, you
2 know, construction costs of something, a resource
3 that will be constructed. Is that what you're
4 trying to get to here?

5 MR. ALVARADO: Well, I think so. I mean
6 if we're going to analyze a physical system in the
7 future we still have to have a relatively good
8 understanding of the existing system as it
9 operates today. And monitoring any potential
10 changes that may occur as we look forward.

11 But we always start out with a baseline
12 about, you know, how it -- understanding the
13 characteristics of the system today, as well as
14 any additional changes that may occur in the
15 future.

16 MS. JONES: So can I ask you the
17 existing system as it is today, is that covered by
18 1304 or are you proposing to cover that in 1347?

19 MR. ALVARADO: 1304 only covers the
20 generation of fuel use. It does not get into
21 understanding any of the necessary generation
22 operating characteristics if we were to understand
23 how each of the generating units actually function
24 in the system.

25 MR. KERNER: I would, with all due

1 respect, submit that the reason this has not been
2 implemented, assuming you're correct it might have
3 been or applied to green electric utility
4 basically includes everyone. That has not been
5 applied to generators historically is because this
6 and other things like doing demand forecasts and
7 so on, which you could also argue would previously
8 apply to everybody, is a non sequitur when put in
9 the context of the wholesale generator.

10 Moreover, if that information is what
11 you're interested in, and I don't see that as
12 coming out at the scope you've identified in the
13 preamble to this paper, details about future
14 changes in operation expansions or whatever it is
15 you think you're getting at here will be dealt
16 with, will they not, in the permitting process for
17 anything like that. Whether it's before this
18 Commission or some other agency.

19 And you can acquire the information that
20 way, and consistent with what you've done in 1304
21 on the environmental material. So you can, you
22 know, see what people are proposing to do with
23 their plants.

24 MR. McLAUGHLIN: Bruce McLaughlin, CMUA.
25 I would have to agree with Mr. Kerner and also

1 Commissioner Pfannenstiel, this seems to have come
2 out of left field. I recognize some of the
3 original language, but certainly a lot more of the
4 publics will be reporting nowadays, and I just
5 think this language needs to be radically cleaned
6 up, reduced in scope.

7 I understand a little bit more of what
8 you're trying to get at, but it doesn't come
9 through with this language. So we would hope to
10 see something more plainly drafted.

11 PRESIDING MEMBER PFANNENSTIEL: Again,
12 this might be a case where the shall word could be
13 replaced by may or something like that. A little
14 less prescriptive in the regs, and maybe moreso in
15 the forms and instructions.

16 MR. BROWN: Andy Brown for
17 Constellation. I'd also like to point out that
18 this appears to apply to any generator outside the
19 state that may be importing power. And in that
20 case they may not know what applies to them.
21 Particularly if they are selling energy to a
22 marketer that then resells for import.

23 And so it's not clear to me that an
24 entity looking at this section would really know,
25 particularly if they're out of state, that it

1 applies to them.

2 MR. ALVARADO: Okay, I understand pretty
3 much what you're saying. I mean, this section in
4 the past was pretty much always defined, depending
5 on the types of issues that were identified for
6 each report cycle. And the specifics of any
7 information we requested always came out under the
8 forms and instructions.

9 So, the may aspect was always embedded.
10 Of course, I go back quite a few years, types of
11 studies. We didn't do this in the last cycle,
12 since most of the focus for any resource plans was
13 on LSE portfolios.

14 Awhile back when we did consider the
15 physical system, you know, we requested
16 information on the operating characteristics of
17 the generators so we would be able to simulate the
18 system, as a whole.

19 That was part of the types of studies we
20 have conducted in the past. And open to the
21 flexibility of whether we need to conduct those
22 similar type studies in the future. That's part
23 of what this section was intended to address in
24 the past.

25 MS. AGUAYO: Al, --

1 MR. KERNER: It will be resisted
2 strongly if it's similar to this configuration.

3 MR. ALVARADO: Understood.

4 DR. TOOKER: Comments?

5 MS. AGUAYO: Yes, just one final comment
6 here. I wasn't at the last workshop and I trust
7 that the AReM representative -- and, again, this
8 is Stacy Aguayo with AReM -- expressed our
9 concerns around resource planning for ESPs.

10 Specifically that our planning is as
11 good as our customer contracts, or goes out as far
12 as our customer contracts, which right now is
13 anywhere from one to two years.

14 So when they're tied to a demand
15 forecast they can go up to seven years. Anything
16 outside of what's covered under our contracts
17 would be meaningless pretty much from cost and
18 supply perspectives.

19 So I just wanted to reiterate that point
20 here today. And additionally, this section, I
21 don't see any confidentiality protection for
22 resource planning for LSEs on page 67. And we'd
23 like the Commission to address that, if possible.

24 MR. ALVARADO: Okay, I understand the
25 concerns about ESPs and the resource; however,

1 resource plans, you know, how far out you can work
2 on that. And confidentiality, I think maybe we
3 can discuss that as we approach that section.

4 DR. TOOKER: Okay, I think we now go to
5 section 1348. It's been modified by staff to
6 better distinguish between different types of
7 LSEs, and to refine the informational requirements
8 for each. And Ruben Tavares --

9 MR. TAVARES: Yeah, Ruben Tavares, CEC
10 Staff. We are proposing to modify section 1348.
11 We have divided the section into three
12 subsections, (a), (b) and (c).

13 Section (a) and (b), the load-serving
14 entities in section (c) with gas utilities and
15 interstate pipelines.

16 In section (a) staff is proposing the
17 load-serving entities that are not utility
18 distribution companies, such as energy service
19 providers, provide three years historical retail
20 price data, and a forecast consistent with a
21 demand forecast period, requested in detail in
22 section 1345 and resource plans in section 1347.

23 In section (b) establish proposing the
24 load-serving entities that are utility
25 distribution companies, provide also three years

1 historical retail price data. And in addition to
2 that, they can provide financial variables and
3 assumptions that are described in the forms and
4 instructions.

5 In section (c) staff is proposing the
6 gas utilities and interstate pipelines provide
7 three years historical gas prices, and also a
8 forecast consistent with section 1345.

9 Any comments or questions?

10 MR. BROWN: Andy Brown, Constellation.
11 Just as noted previously, with respect to the
12 electricity prices, if there isn't a commitment
13 out there, there won't be a period to have
14 forecast prices.

15 The other issue is that, and perhaps it
16 is best addressed in the regs, the model that ESPs
17 function under is individual contract basis. And
18 the pricing designs can vary significantly.

19 And so we need to be looking at some
20 type of aggregation or presentation of a range of
21 numbers.

22 MR. TAVARES: Aggregation in what type
23 of form will you --

24 MR. BROWN: Well, this is something that
25 I probably need to speak more with my client about

1 providing comments. But if you're talking about
2 pricing that can be individualized contract,
3 individual contract basis, it's not clear to me
4 what the information here -- how this information
5 would be provided.

6 For example, you may have a customer
7 that is on a single month indexed price. You may
8 have another that's on a longer duration fixed
9 price.

10 And so I'm just trying to get an
11 understanding of how this potentially would work.

12 MR. TAVARES: Yes, in the past, in the
13 forms and instructions we have asked for retail
14 prices on a customer class level, so it will be an
15 aggregated type of information.

16 MS. AGUAYO: Stacy Aguayo with APS
17 Energy Services and AREM. Excuse me, here. The
18 historical value, in our SIC code, or the NAIC
19 reports that we currently follow, I'm wondering if
20 you have that information already on a snapshot on
21 a quarterly basis. Because we provide that, I
22 believe, the same information that you're asking
23 for quarterly.

24 I'm not sure and I'm probably going to
25 have to confirm, but in comparing what you're

1 asking for here and what we're already giving you,
2 I'm thinking it might be the same information from
3 a historical perspective.

4 MR. TAVARES: If it is it will be
5 satisfactory with us, so. But I'm not too sure
6 whether we have that.

7 MS. AGUAYO: Okay, we'll look into it
8 and comment further.

9 MR. TAVARES: Okay.

10 DR. TOOKER: Any other questions,
11 comments on 1348? Moving on to 1349. Let's see.
12 This proposal would allow the Commission to
13 collect more detailed transmission system
14 information. Mark.

15 MR. HESTERS: Mark Hesters with CEC
16 Staff. On the transmission 1349, that's a new
17 section. We basically had three sets of comments.
18 One was from CMUA on the definition of electric
19 transmission system owner. We've incorporated
20 CMUA's recommendations into the definition.

21 We had a comment from San Diego Gas and
22 Electric that basically suggested that we rely on
23 their transmission plans that they file with the
24 PUC and other filings that they make with other
25 agencies.

1 In general, I'd rather leave that out of
2 the regulations, given that those kinds of plans
3 and filings can change. But we will deal with
4 those specifically in forms and instructions. And
5 we have dealt with those in forms and instructions
6 pretty easily last time, and probably going out
7 through the future.

8 The third comment we got was from
9 Southern California Edison. They were concerned
10 that we were requesting maintenance and other
11 transmission construction schedules that aren't
12 planned very far in advance or very many years in
13 advance.

14 And we've made one change, and I would
15 actually think we should make one other. I'll go
16 through the map of the section that's under
17 section 1349(a)(a)(B) we essentially changed it so
18 it's not requiring a schedule. And what I suggest
19 that we do is take that (a)(1)(B) and make that,
20 essentially copy that into section (a)(2)(C) and
21 remove what's in (a)(2)(C), and that would remove
22 the schedules from the section.

23 DR. TOOKER: Say that again; we
24 duplicate it where?

25 MR. HESTERS: Well, in section (a)(2)(C)

1 we'd move (a)(1)(B) and we'd copy that into
2 (a)(2)(C). I don't know if there's an easier way
3 to do --

4 DR. TOOKER: In place of the language
5 that's in (C) currently?

6 MR. HESTERS: Exactly.

7 DR. TOOKER: Thank you. Any comments?

8 MR. McLAUGHLIN: Comments here. Bruce
9 McLaughlin, CMUA. We support that change just
10 suggested with the language.

11 And also talking about the definition of
12 a transmission owner, there's one JPA here in
13 California, TANC, Transmission Agency of Northern
14 California. Would that be able to report under
15 1349 here, as opposed to one of the individual
16 public agencies who are a member of TANC? TANC is
17 a JPA, and therefore a public agency, itself.
18 Would that be the reporting agency is my question.

19 MR. HESTERS: I think that would be the
20 case.

21 MR. McLAUGHLIN: Okay.

22 DR. JASKE: I think that's part of what
23 1342 provides discretion for. You know, the
24 owners of that transmission line to allow TANC to
25 sort of serve as their agent and provide

1 information.

2 MR. McLAUGHLIN: Thanks.

3 MR. KERNER: Chris?

4 DR. TOOKER: Yes.

5 MR. KERNER: Doug Kerner with IEP. Is
6 it clear to all that the application of this
7 structure here is not with respect to a gen-tie,
8 for example? A basic inter --

9 MR. HESTERS: It's not expected that
10 this would apply to a gen-tie.

11 MR. KERNER: -- interconnection? Thank
12 you.

13 DR. TOOKER: Moving on to section 1350.
14 Mike, is there anything you want to say here?

15 DR. JASKE: No, other than just to note
16 that we've attempted to handle what 1350 did by
17 reconstituting it in 1342.

18 DR. TOOKER: No questions, comments on
19 1350? Moving on to confidentiality. Several
20 parties suggested the Committee should consider
21 the addition of new automatically confidential
22 categories.

23 Staff has added the following categories
24 to section 2505: retail price projection submitted
25 by ESPs as part of 1345 or 1348; and ESP demand

1 forecast submitted pursuant to section 1345.

2 Staff has also modified confidentiality
3 language to exclude ESP historic prices from the
4 automatically confidential category, as we now
5 know the EIA obtains and publishes these in the
6 same manner that will be requiring them to be
7 submitted to ESPs.

8 Comments?

9 MR. McLAUGHLIN: CMUA actually has a
10 comment on 2503. I contacted Ms. Holmes about
11 this, where you were attempting to insure that the
12 definition of a private third party does include
13 public utility or publicly owned utility, I guess,
14 acting in its proprietary capacity.

15 And it wasn't quite clear to me that
16 this accomplished that. And she, I think, agreed.
17 So she might be coming back with additional
18 language. I just wanted to get that on the
19 record.

20 DR. JASKE: So, just for clarification.
21 In 2503(b)(1), the addition of "or organization"
22 still not quite doing it?

23 MR. McLAUGHLIN: She discussed the
24 possibility of adding company, which is, of
25 course, everything under the sun. She had a

1 issue, I think, distinguishing the publics in
2 their proprietary capacity from acting in their
3 legislative or governmental capacity.

4 So she might be coming back with
5 different language, but I think the Energy
6 Commission is acknowledging that these
7 confidentiality sections are applicable to the
8 publicly owned utilities.

9 Again, just to get it on the record.

10 Thank you.

11 MR. BROWN: Andy Brown for
12 Constellation. We're looking at some of the
13 automatic designations to make sure elements are
14 caught in there including 1347 numbers. I wasn't
15 able to completely finish my cross-referencing. I
16 expect to include that in comments afterwards.

17 I would note that in (a)(5), I guess
18 it's sub -- (B)4, sentence is, I think there's --
19 it was cut off incompletely. And --

20 DR. TOOKER: Say that again?

21 MR. BROWN: Page 67, number 4, it ends,
22 the sentence ends after the insertion of this.

23 DR. JASKE: You're right, that's not
24 complete.

25 MR. BROWN: And then I believe in that

1 element 2 also in (4) there may be an RAR --
2 excuse me, there needs to be a reference, I
3 believe, to section 1345. But I'm not sure in
4 which of those subsections it's best suited. And
5 that's for the resource adequacy information.

6 Particularly if there's, you know, any
7 forward-looking projections for that information.
8 thanks.

9 DR. TOOKER: This is Chris Tooker;
10 that's number 2 on page 67 you're referring to?
11 That last comment?

12 MR. BROWN: The section, I think, that
13 needs to be picked up is 1345. It's one of the
14 cross-referencing ones. I haven't figured out
15 which subsection it best falls into there.
16 Whether it's -- I wrote it down in 4, but I'm not
17 sure it actually is fuel-cost related or not.

18 But again, it's one of those cross-
19 referencing exercises I haven't had a chance to
20 complete, and will highlight in probably with
21 redline language in the comments we provide.

22 DR. TOOKER: Thank you.

23 DR. JASKE: Just to expand on what Chris
24 Tooker mentioned. On page 67, paragraph c. used
25 to deal with, or does in the existing regs, deals

1 with historic energy prices.

2 And since we have discovered that EIA
3 actually publishes the historic data, clearly the
4 original reference is incorrect. So we chose to
5 use that number 3 to encompass various things that
6 the essentially the ESPs need to have protected.

7 And this list are the things that the
8 Executive Director did grant confidentiality to in
9 the last IEPR cycle. It may well be, as you're
10 saying, that there's some other things that could
11 be proposed here. That was the genesis of this
12 particular list.

13 MS. AGUAYO: Stacy -- I'm sorry, and I
14 know I'm coughing over here, so I apologize for
15 that. Stacy Aquayo with AReM. Andy may have
16 covered it, but just to make sure, we would like
17 to see reference to 1346, which is the RA section.

18 I didn't have 1345 demand forecast in
19 there, but we'll certainly go back and look at
20 that.

21 And, of course, 1347, the resource
22 planning section.

23 And then I mentioned earlier when Lynn
24 was up here at the table that in 1345(b)(1)
25 specifically we wanted that section to be included

1 for granting confidential status, as well, which
2 is the assumptions and some of our methodologies.

3 And then finally, 1a, where you define,
4 or actually a, b and c, where you cover the
5 customer sectors, there is an other category. And
6 I'm not sure if that was overlooked, or if there
7 was a reason why the other category wasn't granted
8 any type of confidentiality.

9 It's an aggregation of a number of
10 different services types, but I just wanted to
11 point that out.

12 DR. JASKE: I'm sorry, I'm not
13 understanding your reference to other.

14 MS. AGUAYO: Excuse me, top of page 67
15 under 1, you have a, b and c. And it covers the
16 different customer sectors, residential customer
17 sector, commercial, et cetera.

18 There's an other category that's defined
19 and is reported actually, I believe, in our SIC --
20 I keep using SIC code, in our quarterly reports
21 that we submit parties have an opportunity to
22 report under other.

23 So I didn't know if that was an
24 oversight or it was intentionally left out.

25 (Pause.)

1 DR. JASKE: I think that the -- I think
2 that the historic data in 1306 would be
3 encompassed by paragraph 2, not paragraph 1.
4 Paragraph 1 is a narrower, really applies to the
5 load metering data and the survey data.

6 DR. TOOKER: So, Mike, are you saying
7 that number 2 would be modified to add an other
8 category, or that it's not needed?

9 DR. JASKE: I don't think it's needed,
10 because there isn't an exclusion of other from by
11 referring to previous lists. It's just all
12 addressed generally, I guess.

13 MS. AGUAYO: I apologize, Mike, you're
14 correct. Because in 1344 it does specifically
15 just point to retail customers and not a sector.
16 So I apologize for that.

17 DR. TOOKER: Thanks for that
18 clarification. Any other comments? Anything we
19 left out that people want to speak to?

20 That's all staff has at this point.

21 PRESIDING MEMBER PFANNENSTIEL: Are
22 there any other comments, general or specific, on
23 what we have been going through in the staff
24 report?

25 If not, then I guess we need to talk

1 about further written submissions. I think we
2 have generally agreed that one last go-round would
3 be necessary, advisable.

4 And I guess what I wasn't sure of is
5 whether that will be sufficient. It seems like in
6 most cases it is a matter of clean up and some
7 cross-checking. But there may be some instances
8 where it's going to be something more than that.

9 Can we get some discussion about when we
10 can get a final round of comments, and what they
11 might include?

12 MR. McLAUGHLIN: Bruce McLaughlin, CMUA.
13 I'm just going to harp on the same issue I've been
14 harping on for awhile. And that's staff-led
15 workshops. Not that we have any problem with
16 Commissioners being present, but it seems like
17 these finer details that have been mentioned
18 throughout the table today are more like a ping-
19 pong game; we'll go back and forth with staff
20 productively to fine tune.

21 There might be just one word, an and or
22 an or, or something very technical that possibly
23 could be hammered out instantaneously, as opposed
24 to written comments. And then another try from
25 staff to put out the whole comprehensive

1 regulations again.

2 These could be possibly a couple
3 workshops over the next couple weeks. Again, just
4 a suggestion.

5 PRESIDING MEMBER PFANNENSTIEL: I guess
6 I'm wondering whether we're closer than that. I'm
7 trying to figure out whether we are, as Mr. Kerner
8 perhaps optimistically observed at the beginning;
9 he thought we might be one more written go-round
10 from wrapping this up. But I guess I'm not
11 hearing that.

12 MR. McLAUGHLIN: Well, possibly staff-
13 led workshops would be more applicable the closer
14 you get, because now we're talking about fine
15 changes. Just a comment. Just a suggestion.

16 ASSOCIATE MEMBER GEESMAN: Does it rise
17 to the level of a workshop? Can staff meetings,
18 which do not have the same kind of notice
19 requirements, suffice? They can be held a lot
20 more quickly in most instances.

21 MR. McLAUGHLIN: And CMUA loves that
22 idea so much, and appreciate the Commission's
23 amenability to that. Sometimes I wonder, though,
24 if CMUA is discussing with a couple staff members
25 in its offices and comes up with this great idea,

1 does that preclude fantastic input by one of the
2 IOUs.

3 I guess if we had an unofficial workshop
4 that was somehow noticed to the service list, so
5 we could all get the opportunity to participate,
6 sounds like a great idea.

7 DR. TOOKER: Well, we could facilitate a
8 conference call here at the Commission. And we
9 could notify those people that we currently have
10 on our service list.

11 MR. KERNER: Yeah, I think whether we do
12 it that way, or -- I certainly am looking forward
13 to and actually initiated some dialogue, which
14 hopefully wasn't inappropriate.

15 ASSOCIATE MEMBER GEESMAN: Commissioner
16 Pfannenstiel hung you with the one written round.
17 But my recollection was you were the guy that said
18 one more week. Am I right?

19 MR. KERNER: Yeah, that was prior to
20 realizing that they were serious about 1347.

21 (Laughter.)

22 MR. KERNER: And my other -- the other
23 significant issue I had, of course, was the
24 definitional one with regard to LSE, --

25 ASSOCIATE MEMBER GEESMAN: Right.

1 MR. KERNER: -- which I could propose a
2 fix for simply, and have, already initiated that.
3 This other one may be, you know, if we're going
4 to --

5 ASSOCIATE MEMBER GEESMAN: Yeah.

6 MR. KERNER: -- if that's going to
7 survive, and have to rework, that's going to be
8 tricky, I think, but --

9 ASSOCIATE MEMBER GEESMAN: I think the
10 conference call might be your most expeditious way
11 of moving forward at this point.

12 MR. BROWN: My thoughts -- Andy Brown
13 for Constellation -- is for there were a couple
14 instances where I do have some minor tweaks I can
15 provide to staff in a redline form that might be
16 helpful.

17 And I could probably turn that, you
18 know, within the week. And my thought would be
19 that after staff has looked at various input they
20 have, if they could put out an informal notion of
21 their response and then have a phone call. That
22 may be a way to button this relatively quickly.

23 That's for things where it's not a large
24 controversy. And I think there was one item that
25 may not meet that category.

1 PRESIDING MEMBER PFANNENSTIEL: Les, did
2 you have a --

3 MR. GULIASI: Yes, I did. Thank you. I
4 think the proposal just to have another conference
5 call would suffice. I think we're a lot closer
6 than, as you expressed a little bit earlier,
7 Commissioner Pfannenstiel.

8 But I guess what would help is if you
9 could outline for us the next steps after this
10 presumed workshop or conference call, just so we
11 know what we will have before us when you have to
12 consider the final package, and what needs to go
13 to the Office of Administrative Law.

14 PRESIDING MEMBER PFANNENSTIEL: Chris,
15 do you want to take us through what the next steps
16 would be. And once you have agreed with the
17 parties who have weighed in or not agreed, but
18 have considered the remaining changes.

19 DR. TOOKER: Well, the next step would
20 be to prepare a Committee document to be submitted
21 to OAL with a fully developed statement, you know,
22 statement of reasons supporting that proposal.
23 And to enter into their formal process that
24 document.

25 So we do need to come to closure in

1 terms of language, because we want to make sure
2 that we minimize the need for any kind of changes
3 going forward after that point.

4 I think staff could very constructively
5 facilitate this conference call approach. In
6 fact, we've done that with some of the utilities,
7 as Andrea was pointing out. I would want to make
8 sure, though, before we leave here today that we
9 identify and try to focus on very specific
10 sections in those conference calls, rather than
11 just opening up the whole set of regulations to
12 tweaking in that conference call, so we can manage
13 it and move forward.

14 PRESIDING MEMBER PFANNENSTIEL: Well,
15 should we do that now? Should we make sure that
16 we get on the record the area that will be
17 discussed in a conference call with the staff?

18 DR. TOOKER: I think that would be
19 helpful. It shouldn't take very long if --

20 PRESIDING MEMBER PFANNENSTIEL: Okay,
21 shall we go around.

22 DR. TOOKER: -- Bruce and others could
23 reiterate their suggestions.

24 PRESIDING MEMBER PFANNENSTIEL: Bruce,
25 do you want to start?

1 MR. McLAUGHLIN: Sure, thank you. I
2 think we heard several definitions, so 1302. Did
3 you want specific definitions right now, or just
4 can 1302 be sufficient?

5 DR. TOOKER: That's fine.

6 PRESIDING MEMBER PFANNENSTIEL: That's
7 fine.

8 MR. McLAUGHLIN: Okay. We had a couple,
9 one at least, issue on 1304.

10 DR. TOOKER: We can go back and pick up
11 your comments on the documents. I just wanted to
12 get a list here of what sections we're going to
13 focus on, so.

14 MR. McLAUGHLIN: Okay, 1304, -- 1302,
15 1304 and 1306. Little things. 1344. I already
16 talked about talking with Mike and staff on 1346.
17 And 1347(e).

18 DR. TOOKER: (e)?

19 MR. McLAUGHLIN: (e). (c), I'm sorry.

20 DR. TOOKER: (c). Okay. NCPA?

21 MR. KERNER: I think we had a few things
22 in 2505.

23 MR. McLAUGHLIN: IEP?

24 DR. TOOKER: Oh, IEP, I'm sorry.

25 MR. KERNER: Doug Kerner for IEP.

1 DR. JASKE: Sorry, Doug, would you
2 repeat that?

3 MR. KERNER: I think there were a couple
4 items in 2505, from my perspective, with regard to
5 the automatic designation.

6 PRESIDING MEMBER PFANNENSTIEL: Others?

7 DR. TOOKER: Andy, did you have some?

8 MR. BROWN: I think we've hit -- did I
9 hear 1345? I need to check that one. 48 was
10 already on the list. So I think the list had sort
11 of been built out, sounds about right.

12 DR. TOOKER: Do you want to add 1348?

13 MR. BROWN: Yes. The sections I know I
14 have are 1302, 04, 06, 44, 46, 47(c), 2505 and
15 1348.

16 MR. McLAUGHLIN: And he said 1345.
17 Right, Andy?

18 MR. BROWN: And 1345.

19 DR. TOOKER: And if -- okay. I may be
20 contacting you for more specifics about those
21 sections after going back and reviewing my notes.

22 MR. McLAUGHLIN: Fine.

23 MR. BROWN: And, as I mentioned before,
24 I'm committed to giving you a written document
25 with some of the issues that we had marked out. I

1 think we touched on them today, and there may be -
2 - may have been a couple that were touched on by
3 other folks, so I didn't comment at that point.

4 PRESIDING MEMBER PFANNENSTIEL: So,
5 Chris, the next step is that you will convene a
6 conference call with the parties?

7 DR. TOOKER: Yes. And my only concern
8 or question now is how is that going to mesh with
9 or be coordinated with the filing of comments by
10 parties following this workshop. Should we have
11 those comments filed before we have the conference
12 call? Or should we have the conference call
13 first, and then have final comments?

14 MR. BROWN: Well, again, my thought was
15 that if it could be, you know, circulated
16 informally, but that could be providing the
17 thoughts based on, you know, our understanding
18 that we got today.

19 And then that can help focus the
20 discussions for the conference call. And so you'd
21 have something before you that was presumably more
22 concrete in terms of an alternative that's being
23 proposed.

24 DR. TOOKER: That would be useful what
25 you say you can do. And you can do that by the

1 end of the week?

2 MR. BROWN: Well, I was thinking a week
3 from today I could provide that.

4 DR. TOOKER: Okay, Mike was suggesting
5 that we then have written comments first and we
6 can use those as the basis for the conference
7 call.

8 MR. KERNER: Is there a middle ground,
9 rather than a formal pleading. I mean to the
10 extent people, Andy has some thoughts on some
11 actual words, I do at least on some of the
12 material. Could we do this, are we allowed to
13 just informally exchange some paper and sit down
14 and --

15 PRESIDING MEMBER PFANNENSTIEL: Yeah.

16 DR. TOOKER: Yeah.

17 MR. KERNER: Would that -- do you have
18 any problem with that?

19 MR. BROWN: I think we have, you know,
20 the service list that was developed earlier with
21 the email addresses. So, perhaps we can just use
22 that again, --

23 DR. TOOKER: Right.

24 MR. BROWN: -- and, you know, have an
25 informal deadline of, you know, a week from --

1 close of business a week from today to get, you
2 know, the markup of the Word document is probably
3 specifically what I was thinking of.

4 DR. TOOKER: Yeah, I don't want to
5 prevent, I don't think the Committee wants to
6 prevent individual communications with say Mike or
7 me or other people --

8 MR. BROWN: Right.

9 DR. TOOKER: -- to try to develop ideas
10 and resolve issues. But we want some structure so
11 we can set up a schedule here moving forward.

12 PRESIDING MEMBER PFANNENSTIEL: So,
13 Chris, we would assume that a conference call
14 could happen next week?

15 DR. TOOKER: Yes.

16 PRESIDING MEMBER PFANNENSTIEL: All
17 right.

18 DR. TOOKER: Assuming we get the written
19 responses on Monday, then we would go ahead and
20 set up a conference call say for Wednesday.

21 PRESIDING MEMBER PFANNENSTIEL: That's
22 fine. Any last comments?

23 MR. GULIASI: Les Guliasi with PG&E. Am
24 I correct in assuming that after this round of
25 further discussion and conference call and so

1 forth, there will be a Committee document that we
2 will have the opportunity to comment on, either
3 formally in writing or presumably at a business
4 meeting?

5 PRESIDING MEMBER PFANNENSTIEL: Yes.

6 MR. GULIASI: Okay, thank you.

7 ASSOCIATE MEMBER GEESMAN: Yeah, I think
8 we go into the official OAL process then. And our
9 ability to be flexible in taking new language or
10 making amendments is subject to the formal
11 requirements of that OAL process.

12 MS. AGUAYO: I apologize to do this, but
13 I didn't get my thoughts together before we jumped
14 into next steps. I have just one final issue I
15 wanted to raise for the record.

16 DR. TOOKER: Fine.

17 MS. AGUAYO: The bottom of page 71,
18 which is talking about the level of -- well, let
19 me just go -- starts on the bottom of page 71, but
20 our issue is on page 72, number 1. And I'm not
21 sure what information will actually be disclosed
22 here. It's not very clear to me.

23 The concern is that individual EPS data
24 will be -- will not be given confidential status
25 because it -- this reads as if it's aggregated at

1 the state level, then it's okay for public
2 release. And I just -- I want to get some
3 clarification on if I'm reading this incorrectly
4 or not. And it's with regard to the quarterly
5 reports that are submitted in 1306.

6 DR. TOOKER: So your question --

7 MS. AGUAYO: It reads as if my data, I'm
8 an ESP, my ESP data can be provided aggregated at
9 a statewide level, individually. So I'm not
10 aggregated with other LSEs, just my data alone is
11 aggregated and can be shown at the statewide
12 level. And I just -- I want to be clear, I want
13 to understand if that is truly what is intended
14 there.

15 DR. JASKE: That is what is intended.
16 And that is what is now practices by EIA. I can
17 see APS data for the State of California by
18 customer sector, customer account, revenue and --

19 MS. AGUAYO: On an annual basis, right?

20 DR. JASKE: On an annual and --

21 MS. AGUAYO: Okay.

22 DR. JASKE: -- and volume.

23 MS. AGUAYO: I just wanted to make -- it
24 doesn't specify the period of time. Since we are,
25 I mean you can't see that until the year after, so

1 it's historical that you can see?

2 DR. JASKE: Yes.

3 MS. AGUAYO: So that it's not clear,
4 unless I'm missing it, it's not clear the time
5 period at which this data can become public.

6 DR. JASKE: You're right, that is not
7 called out.

8 MS. AGUAYO: Okay, thank you.

9 DR. TOOKER: And what's that require?
10 We need to specify a time period?

11 DR. JASKE: I think I'm hearing that
12 she's going to be a proposal that there be one.

13 PRESIDING MEMBER PFANNENSTIEL: Further
14 discussion, comments?

15 Thank you all for your participation.
16 We'll be adjourned.

17 MR. BROWN: Okay, can I just, I want to
18 just quickly review that we will submit, if we
19 have any comments to make that we wish to be
20 covered in the conference call, we're to submit
21 that to you, Chris, by next Monday?

22 DR. TOOKER: Correct.

23 MR. BROWN: And then will you --

24 DR. TOOKER: And to serve them to the
25 list.

1 MR. BROWN: Okay. And then you'll put
2 together --

3 (Whereupon, at 12:10 p.m., the Committee
4 Workshop was adjourned.)

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CERTIFICATE OF REPORTER

I, PETER PETTY, an Electronic Reporter,
do hereby certify that I am a disinterested person
herein; that I recorded the foregoing California
Energy Commission Committee Workshop; that it was
thereafter transcribed into typewriting.

I further certify that I am not of
counsel or attorney for any of the parties to said
workshop, nor in any way interested in outcome of
said workshop.

IN WITNESS WHEREOF, I have hereunto set
my hand this 22nd day of July, 2006.

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